



## **Local Government Act 1972**

**I Hereby Give You Notice** that an **Ordinary Meeting** of the **Durham County Council** will be held in the **Council Chamber, County Hall, Durham** on **Wednesday 18 April 2018** at **10.00 a.m.** to transact the following business:-

1. To confirm the minutes of the meeting held on 21 February 2018 (Pages 3 - 22)
2. To receive any declarations of interest from Members
3. Chairman's Announcements
4. Leader's Report
5. Questions from Area Action Partnerships
6. Questions from the Public
7. Petitions
8. Report from the Cabinet (Pages 23 - 34)
9. Interim Update and Revision of the Council's Hackney Carriage and Private Hire Licensing Policy - Report of Corporate Director of Regeneration and Local Services (Pages 35 - 152)
10. Local Code of Corporate Governance - Report of Corporate Director of Resources (Pages 153 - 182)
11. Motions on Notice

### **Cllr Wilkes to Move**

*This winter's weather has caused serious damage to our highways network and placed significant pressure on the Council's services and staff.*

**(continued overpage)**

*Council therefore:*

*1. Places on record its thanks for the immense work done by our staff, keeping our highways and other services running, including many staff going way beyond the call of duty.*

*2. Recognises that as with each year, there needs to be a review of winter maintenance but that this year all County Councillors, Town and Parish councils, other stakeholders and the public will be asked to put forward their views on how we can improve future winter maintenance programs.*

*3. Agrees to review the current scoring system for grit bins so that areas not currently meeting criteria may become accepted where full long term funding is provided if they meet an amended scoring system.*

*4. Welcomes the £1.3m additional government funding for highways but believes this is inadequate and will not touch the sides of the work required and therefore calls on the government to immediately provide to councils affected by the severe weather with more significant additional capital funding to deal with the damage to public highways caused by recent conditions.*

*5. Calls on Cabinet to invest additional funding into the highways budget in-year to help address existing and additional pressures, following the current review underway of the damage caused.*

12. Questions from Members

**And** pursuant to the provisions of the above-named act, **I Hereby Summon You** to attend the said meeting

Dated this 10th day of April 2018



Helen Lynch  
Head of Legal and Democratic Services

**To: All Members of the County Council**

**DURHAM COUNTY COUNCIL**

At an Ordinary Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 21 February 2018 at 10.00 am**

**Present:**

**Councillor B Kellett (Chairman)**

Councillors E Adam, J Allen, J Atkinson, P Atkinson, B Avery, A Bainbridge, B Bainbridge, A Batey, D Bell, E Bell, J Bell, R Bell, J Blakey, L Boyd, D Boyes, P Brookes, D Brown, J Brown, L Brown, J Carr, J Chaplow, J Charlton, J Clare, J Clark, M Clarke, J Considine, K Corrigan, P Crathorne, R Crute, G Darkes, M Davinson, S Dunn, S Durham, D Freeman, A Gardner, J Grant, N Grayson, O Gunn, C Hampson, K Hawley, T Henderson, S Henig, A Hopgood, L Hovvels, P Howell, S Hugill, E Huntington, I Jewell, O Johnson, P Jopling, C Kay, L Kennedy, A Laing, J Lethbridge (Vice-Chairman), K Liddell, H Liddle, L Maddison, J Maitland, J Makepeace, R Manchester, C Marshall, L Marshall, C Martin, E Mavin, M McGaun, M McKeon, I McLean, O Milburn, S Morrison, A Napier, H Nicholson, J Nicholson, P Oliver, A Patterson, C Potts, L Pounder, S Quinn, A Reed, G Richardson, J Robinson, S Robinson, P Sexton, K Shaw, A Shield, J Shuttleworth, M Simmons, A Simpson, H Smith, J Stephenson, B Stephens, D Stoker, A Surtees, P Taylor, O Temple, K Thompson, F Tinsley, T Tucker, J Turnbull, A Watson, M Wilkes, A Willis, C Wilson, M Wilson, D Wood and S Zair

Apologies for absence were received from Councillors A Bell, C Carr, I Cochrane, D Hicks, K Hopper, S Iveson, L Mavin, S McDonnell, R Ormerod, J Rowlandson, A Savory, E Scott, T Smith, L Taylor and S Wilson

**1 Minutes**

The minutes of the meeting held on 24 January 2018 were confirmed by the Council as a correct record and signed by the Chairman.

**2 Declarations of Interest**

There were no declarations of interest in relation to any item of business on the agenda.

**3 Chairman's Announcements**

The Chairman informed Council that he would be using his discretion under rule 13.4 of the Council's Rules of Procedure to allow Group Leaders more than the allotted 5 minutes when discussing the budget.

The Chairman also proposed that the Council waived standing order 4.2(a) of the Council Procedure Rules to extend the time allowed for the length of the meeting, in the event that proceedings took longer than two and a half hours.

**Resolved:**

That the proposal be approved.

#### **4 Leader's Report**

The Leader, on behalf of the Council, expressed deepest condolences to the family and friends of Olivia Burt who tragically died outside the Missoula Bar in Durham on 7 February 2018. The Council was working closely with the police on a joint investigation into the circumstances around the incident and it would be inappropriate to comment further at this stage.

The Leader informed Council that he had been written to by Councillor Ian Bowyer, Leader of Plymouth City Council, requesting the Council's support for a campaign against government defence cuts which could see Durham's adopted ship HMS Bulwark and her sister ship HMS Albion decommissioned, along with reductions in the number of Royal Marines.

The Leader was sure that many Members would be aware of the important long-standing affiliation between HMS Bulwark and County Durham and that its crew were granted the Freedom of the City in 2010.

Not long ago HMS Bulwark was described as a state of the art vessel and a key part of the nation's defence and humanitarian aid capabilities, with the ship seeing service across the world. The Council had always taken great pride in welcoming the ship's company to Durham and hundreds of people had enjoyed watching their Freedom Parades, most recently in 2016 when the ship's company paraded through Durham City as part of a visit to the region. HMS Bulwark had also adopted the children's wards at Bishop Auckland and Durham hospitals, with the crew both visiting the wards and raising funds.

The Leader had sent information to all Members on how to get involved in supporting the campaign and urged all Members to do what they could to help protect HMS Bulwark and HMS Albion.

Last week Prince Charles had visited County Durham to carry out a number of engagements. The Chairman and Chief Executive were among those presented to Prince Charles at the beginning of the visit outside St Mary the Less Church, where His Royal Highness unveiled a plaque to his ancestor, Dame Elizabeth Bowes, who lived in Bowes House next to the church.

Whilst in Durham the Prince also attended the opening of Open Treasure and a concert in the Cathedral. Afterwards he went to Palace Green Library and saw the DLI exhibition. He then travelled to Barnard Castle where he officially opened the new Emergency Services Quad and visited the Bowes Museum.

The Leader congratulated the Durham BID and all those involved with the Fire and Ice Festival over the weekend. Businesses enjoyed one of their busiest weekends of the year and there was substantial media coverage.

The Leader reported that so far this winter the Council had used 35,629 tonnes of salt and had 14,094 tonnes left. A further 15,000 tonnes were on order with deliveries scheduled over the next two weeks. In an average winter the Council used around 30,000 tonnes of salt and was forecasting to use over 40,000 tonnes this winter, which demonstrated that this winter had been more severe than average.

In terms of other environmental initiatives, Operation Spruce Up had recently been awarded the Keep Britain Tidy Award for Campaign of the Year, the second year in succession for the accolade. The Big Spring Clean started today and ran until 15 April to inspire people to give their local area a spring clean-up to banish strewn litter in time for summer.

Finally, County Durham continued to be successful on the sporting front. In the last couple of weeks it had been confirmed that international cricket matches would be held at Durham County Cricket Club until 2024. In addition to matches in the Cricket World Cup in 2019, one day internationals had been confirmed with Australia in 2020, Sri Lanka in 2021 and South Africa in 2022 with matches to be announced for the following years. Chester le Street remained the only regular international sporting venue in the North East.

The Leader congratulated Durham Women's football team on their achievement of reaching the Women's FA Cup Quarter Finals where they would host Everton in March.

The Leader extended good luck wishes to Mica McNeill from Consett who was competing in the third and fourth heats of the Women's Bobsleigh representing Team GB in South Korea. The Team was lying in 6<sup>th</sup> place after two heats.

## **5 Questions from Area Action Partnerships**

Questions had been received from the Chester-le-Street and District Area Action Partnership and the East Durham Rural Corridor Area Action Partnership relating to the following:

- Improvement of the electrical vehicle infrastructure in the Chester-le-Street area
- Whether the temporary closure of GP surgeries had been experienced in other areas and what steps were being taken by the CCG to address the situation?

Councillor D Wood, Chester-le-Street AAP Board Member and Jane Bellis, East Durham Rural Corridor AAP Coordinator were in attendance to ask their questions.

Councillor C Marshall, Portfolio Holder for Economic Regeneration thanked Chester-le-Street AAP for their question and provided a response.

Councillor L Hovvels, Portfolio Holder for Adult and Health Services thanked the East Durham Corridor AAP for their question and provided a response.

## **6 Questions from the Public**

There were no questions from the public.

## **7 Petitions**

There were no petitions for consideration.

## **8 Report from the Cabinet**

The Leader of the Council provided the Council with an update of business discussed by Cabinet on 17 January and 7 February 2018 (for copy see file of Minutes).

Councillor L Maddison asked the following question relating to the Cabinet report Item 1, Aykley Heads Strategic Employment Site:

At pages 14 and 15 of the report to Cabinet dated 21st February, reference is made to the Masterplan to attract business to the Aykley Heads site and to develop growth areas for business elsewhere in the County as a result of the development proposals. Given that there was an aspiration to provide over 2000 jobs on the Durham gate, Spennymoor, site several years ago that has still to be realised could the portfolio holder advise how the investment in Durham will bring added value to other areas of the County and what resource will be made available to encourage developments and economic prosperity across the County, as well as in Durham City.

Councillor C Marshall, Portfolio Holder for Economic Regeneration thanked Councillor Maddison for her question and provided the following response:

*The approach that the council had taken was to support market opportunities wherever they arose in the county and the Council had achieved considerable success in this approach. It was estimated that more than £3bn of new investment was under delivery or planned across the County at this point in time.*

*To get to this comparatively strong position the council and its partners had planned and brought forward sites across the county over the last 10 years. These included building on the huge success of Newton Aycliffe Business Park with Forrest Park; the Enterprise Zone at Hawthorn, now Jade; Integra 61 at Bowburn; and the Genesis site in Consett to name but a few.*

*Schemes could take a long time to come forward but the council was keen to ensure there was a good supply of available employment land in appropriate locations across the county. The Council's approach and success could be evidenced by the concerted approach to NetPark in Sedgefield over many years which now saw the regions only science park as an internationally recognised location for science and technology companies. It was the only science park in the*

*UK with two Catapults: and 6 Centres of Excellence. As the buildings were 100% full, infrastructure works were on site for Phase 3 and a further building, NETPark Explorer, had been funded and constructed.*

*The Durhamgate scheme was being delivered by the private sector and itl was hopeful that significant jobs would be delivered at this employment location in coming years. The development had safeguarded jobs at Black and Decker and recently announced the very positive news about Learning Curve's expansion as well as provide infrastructure for future employment on this and adjacent sites in Spennymoor.*

*In order to see the county's economy grow the Council needed to maximise all of its assets and ensure a spread of investment across the county to create opportunities for local people. Aykley Heads was the next addition to the county's portfolio. It added to the County's offer, and that of the North East by providing a campus business park in the centre of a historic city, accessible by all modes of transport.*

*In terms of Aykley Heads, as was set out in the recent Cabinet report, the location and quality of the site was felt by all who have looked at it to present an excellent and indeed once in a generation opportunity for the county. The Council recognised that opportunities to provide employment prospects to retain talented young people were central to the future of the whole county, but the site was an obvious location to help drive the county's economy upwards and bring interest and momentum to other sites across the county.*

*A recent survey of employment opportunities since 2009 had shown that where land and premises were available significant growth was achieved. Available floorspace in the east of the county had enabled companies to move into readily available premises and supported approximately 47% of all company growth in the county over the last 9-10 years. This point demonstrated how important having the right infrastructure in place could be in terms of anchoring growth in the county.*

*The Council's approach to date had delivered some notable successes, for example 1400 jobs with Hitachi Rail Europe and 150 jobs at Compound Photonics both in Newton Aycliffe, 400 jobs with Atom Bank in Durham city, potentially 1200 jobs at ResQ and 200 jobs at Great Annual Savings, both in Seaham along with 350 jobs with Bristol Laboratories in Peterlee.*

*Through Finance Durham, the council's £20m equity investment fund managed by Maven Capital Partners, the Council had also added another major distinguishing factor that it hopes would make Durham an attractive location for companies to locate and grow. The recent decision to invest £650,000 in Consett-based biomass energy plant SDS Limited would allow SDS to purchase additional machinery to improve efficiency and develop their commercial markets.*

*When taken together, these initiatives meant that the County could compete for investment in all business sectors, manufacturing, logistics, science and technology and office, across the North. This grew the County's economy and provided the best chance for residents and particularly young people, to find good jobs and to stay in Durham.*

Councillor A Hopgood asked the following question relating to the Cabinet report Item 1, Aykley Heads Strategic Employment Site:

Given the current traffic issues around the access to the proposed HQ site and the ongoing unaddressed issues on the Aykley Heads site. How can we be confident that the required infrastructure will be in place to accommodate the increased number in these locations?

Councillor C Marshall, Portfolio Holder for Economic Regeneration thanked Councillor Hopgood for her question and provided the following response:

*The Aykley Heads site was attractive in terms of accessibility with easy access to the railway station, public transport and park and ride. However, it was recognised that in the longer term and in order to enable the full development of the site, there would be wider highway improvements required. The costs for this were built into the Cabinet report presented last month. The planning application would have a full traffic impact assessment and this would consider required infrastructure at the various points through the 20 year development and enable scrutiny of the process.*

*In terms of The Sands site, peak time congestion in any vibrant, healthy and successful city centre was inevitable. The additional traffic generated as a result of the new Headquarters was relatively low in comparison to the current traffic flows and in the worst case scenario was expected to increase delays on Providence Row from approximately 40 to 44 seconds and as such the spare capacity in the existing network was sufficient to cope.*

*In addition, with new ways of working, it was expected that the working day would be more flexible and better accessibility meant people would have greater choice in terms of their journey to work.*

Councillor M Wilkes asked the following question relating to the Cabinet report Item 3, Capital funding for Bowburn school:

What funding is going to be made available for other capital works in the coming year following the completion of the school survey reports?

Councillor O Gunn, Portfolio Holder for Children and Young People's Services thanked Councillor Wilkes for his question and provided the following response:

*All Local Authorities across the country were given an annual grant from the Department for Education to address the most urgent condition issues in their schools. The grant allocations for each Local Authority had not yet been announced for 2018/19.*

*The condition surveys that were being carried out in each maintained school in County Durham would be completed by August 2018. Once these were completed the Council would have up to date information on the condition of all schools and would be able to prioritise the schools in the most urgent need of capital investment. Once the Department for Education allocations were announced the*

*Council would be in a better position to say what level of investment would be made in to its schools.*

*The Council itself had a capital bidding process where all services across the Council were given the opportunity to submit bids for capital funding on an annual basis, so additional funding to top up the Department for Education grant could be bid for by the relevant service area.*

## **9 Budget 2018/19 - Report under Section 25 of the Local Government Act 2003**

The Council considered a report of the Corporate Director of Resources which provided information on the robustness of the estimates and the adequacy of reserves in the Council's Budget for 2018/19 (for copy see file of Minutes).

### **Resolved:**

That the Council have regard to the statement when approving the budget and the level of Council Tax for 2018/19.

The Chairman reminded Council that under paragraph 16.6 of the Council Procedure Rules a recorded vote was required for each of the budgetary items, including any amendments. The voting record would be detailed in the minutes of the meeting.

Under Council Procedure Rule 12(c) Councillor J Robinson **moved** that Agenda Item Nos. 10 and 11 be considered together as they were inextricably linked.

**Seconded** by Councillor A Laing.

The Head of Legal and Democratic Services advised Council that the Council Procedure Rules allowed for such a Motion and that it was appropriate to consider both Items together. A named vote on the budgetary items, including any amendments, would still be required.

### **Resolved:**

That the motion be carried.

## **10 Medium Term Financial Plan 2018/19 to 2021/22 and Revenue and Capital Budget 2018/19**

## **11 Council Tax Setting in Order to Meet the County Council's Council Tax Requirement for 2018/19**

The Council considered reports from Cabinet which detailed budget recommendations for the 2018/19 balanced revenue budget, Medium Term Financial Plan (MTFP(8)) 2018/19 to 2021/22 and Capital Programme, and provided financial information and forecasts to enable the Council to calculate and set the Council Tax for 2018/19 (for copies see file of Minutes). The reports also set out details of revisions to the Council's Treasury Management strategy.

In **Moving** adoption of the Cabinet reports, Councillor Henig made a statement on the Budget and Precept for 2018/19, summarised as follows:

The recommendations made by Cabinet were the culmination of a lengthy budget process. Enforced deep austerity cuts which were first introduced by the Conservatives and the Liberal Democrats, and more recently the Conservatives alone, had seen funding reductions of more than £200m in County Durham since 2010. The North East region had seen £1½b funding removed over this period, which was an unprecedented situation the Council had to deal with in the best way it could. By comparison, the process of Local Government Re-organisation in 2008-09 set out to save £20m, which was a fraction of these cuts.

Councillor Henig thought it was difficult for people to fully grasp the extent of the financial challenge the Council had been forced to deal with since 2010, but this could be highlighted by the financial crisis which had arisen at Northamptonshire County Council where the local authority had effectively stopped all non-essential spending. The Leader of the Labour Party had described the situation after eight years of austerity as a national emergency. Unfortunately, the government continued with their austerity policies with further deep cuts to Revenue Support Grant agreed for 2019/20, after which the situation was unknown, though it remained possible the Council could face further cuts in public health and other areas of funding.

As in previous years, the Council had carried out public consultation on its budget and feedback from this was included in the report. More than 3,300 people had been engaged in the consultation, including meetings of AAP's and other community groups, and 1,175 people had returned feedback forms. Of these, 78% of responses agreed that the Council's approach to making future savings was a reasonable way to progress in 2018/19.

The government had announced changes as part of the final settlement, which had meant some amendments since the Cabinet meeting, and these were contained in the report. At the twelfth hour the government had allocated an additional £150m nationally in terms of adult social care support grant, of which the Council would receive £1.764m in 2018/19. Although this additional funding was welcome, it was understood to be one-off funding for 2018/19, and was a fraction of what was needed to close the overall funding gap in Adult Social Care, according to estimates made by the Local Government Association.

Councillor Henig also noted amendments had been necessary to reflect the government error in calculating section 31 grant totalling £264,000 in 2018/19, reducing the utilisation of the budget support reserve by this amount and amendments to the Treasury Management Strategy as set out in the report, which reflected the late publication of government regulatory changes.

Unfortunately, County Durham continued to receive no Rural Services Delivery Grant, which was additional grant awarded to areas of sparsity across the country. It was regrettable that the government did not appear to believe County Durham to be rural and this meant the council received none of this additional resource for the cost of delivery of rural services.

No additional funding had been provided by the government for growing financial pressures on children's services, which were being felt across the country, nor was there any funding for the council's hard working staff who deserved a decent pay award. There was no additional funding for a range of other inflationary pressures.

Instead the government was assuming in its core spending power calculations that councils would take up the permitted additional 1% increase in council tax, on top of the 1.99% limit, as well as an adult social care precept of up to 3% to make up for the funding shortfall. Pressures in adult social care and children's services should be funded by national government and it was wrong that these pressures were passed on locally to be funded by local taxpayers. Government figures on spending power even assumed that council's would increase council tax while doubtless being very grateful that local authorities took any blame. Councils across the country of all colours were increasing council tax, and the Leader of Kent County Council had said they had no choice given the increasing multi-million pound pressures on adult and children's services. There was nowhere else to find the additional resource that was needed to fund growing demands on adult and children's social care. This was the case in County Durham and a 2.9% council tax increase along with a 2% adults social care precept was being proposed.

After years of unfair spending settlements from national government, County Durham's core spending power per dwelling was not only lower than the England average, but lower even than a county like Surrey which would enjoy 20% higher spending power than Durham in 2018/19. Because government assumed that council tax would fill the gaps left by its deep budget cuts, if the Council did not increase council tax as proposed, the gap would grow wider and the core spending power for County Durham would fall even further behind the national average. If Durham was funded at the same level as the national average, it would receive almost £50m in additional resource.

Councillor Henig referred to the Capital Budget. It had always been a high priority for the Council to focus on job creation and engage in economic regeneration schemes across County Durham such as those earlier outlined by Councillor Marshall. This was investing in the future. Sources of finance for the capital programme included capital grants, capital receipts and prudential borrowing. Again, the Council had a significant and fully funded capital programme which included substantial highways maintenance funding, a range of economic development schemes, disabled facilities grants and a new, much needed school in the Bishop Auckland area.

A summary of recommendations could be found at paragraph 262 of Item No 10. These included approval of the 2018/19 Net Budget Requirement of £395.544m, approval of the revised 2017/18 capital budget of £111.383m, the additional capital schemes for 2018/19 as detailed in Appendix 8, MTFP capital budget of £360.798m as detailed at Table 25 and the Treasury Management strategy which reflected the latest government changes that had recently been announced.

The recommendations on Council Tax resolutions could be found in paragraph 27 of Item 11. These incorporated a 2.99% Council Tax increase for 2018/19 and a further 2% increase for Adult Social Care precept, totalling 4.99%, the tax base as

agreed by Cabinet set out in the report at paragraph 13, the collection fund surplus and distribution set out at paragraph 12, the precepts for Police, Fire and Parish Councils and the new parish precept for the Durham City area set out at paragraph 18.

This remained an incredibly difficult financial situation as the eighth year of austerity was being entered. The effect of relentless austerity cuts could be seen across the country and nationally a tipping point was being reached. In the face of these unprecedented pressures, Durham continued to do everything it could to keep providing as many of its services as possible, in line with public priorities. This was why, despite massive funding reductions of approaching £250m, almost four in five of the public said they thought the Council's proposals to be a reasonable approach.

Councillor Henig **moved** the recommendations.

In **Seconding** the recommendations, Councillor Napier, Deputy Leader and Portfolio Holder for Finance reported that the budget and council tax proposals were as a result of a lot of hard work by members and officers and thanked all those who had been involved in the process. The Council was facing the 9<sup>th</sup> year of austerity which had been introduced initially by the coalition government and continued by the Conservative government. By the end of the 2017/18 financial year the council will have made savings of £209m, if no austerity had been in place then the council would have had an additional £209m in its budget. Councillor Napier had never known a time of such uncertainty in local government funding with no indication of available levels of funding beyond 2019/20.

As an illustration of the effects of austerity, Councillor Napier referred to Northamptonshire County Council, which had issued a section 114 notice because it was unable to bring in a balanced budget. The notice was believed to be the first issued by a local authority in more than 20 years.

The priority of the council in setting the budget was the protection of frontline services. Durham's core spending power per dwelling was lower than the national average, and if funded to the national average, Durham would have an additional £48m of resource.

There was a lot of uncertainty of funding after 2019/20, although there were no signs of austerity ending and therefore the council needed to plan the best it could. 95% of councils were planning to increase their council tax level and this was a cost shunt from central government onto local government.

Councillor R Crute, Chairman of Corporate Overview and Scrutiny Management Board informed Council that there had been four scrutiny meetings to consider the budget, adding that the process had been hindered by the late confirmation of the final budget settlement. The Corporate Overview and Scrutiny Management Board had scrutinised the budget setting, proposals and settlement and commended officers on the way savings had been carried out to date and the planned way savings were to be carried out. Feedback from the scrutiny process could be found at paragraphs 92 to 101 of the report at Agenda Item 10.

An amendment was **Moved** by Councillor Shuttleworth, **Seconded** by Councillor Blakey as follows:

The Council, in respect of the Cabinet's 2018/19 Revenue Budget:

- (a) Cease entirely the publication of the County Durham News from April 2018. This would produce an annual recurring saving of £195,000.
- (b) Reduce staffing in marketing and communications to 1 press officer and 2 assistants, saving £1,300,000.

Total Savings (a+b) = £1,495,000

The savings from (a) and (b) above to be allocated as follows:

- (i) Reduction in the general council tax increase to 0.99% for 2018/19. The cost of this is £3,995,000.
- (ii) Provision of £500 annual grant to 317 village halls and community centres across the County at a cost of £158,500.

Total Costs (i+ii) = £4,153,500

- (iii) The net cost of these amendments in 2018/19 of £2,658,500 to be met from the budget support reserve.

- (iv) The net cost in future years to be added to the overall savings target for 2018/19 to 2021/22 (increasing it from £43.5M to £46.2M).

The Council, in respect of the 2018/19 Capital Budget:

- (a) Do not proceed with the new County Hall and History Centre. Apply the proposed capital investment in the scheme to the 'highways maintenance budgets' across the County.

#### **For the Amendment**

Councillors J Blakey, J Makepeace, P Sexton, J Shuttleworth and A Willis.

#### **Against the Amendment**

Councillors E Adam, J Allen, J Atkinson, P Atkinson, A Batey, D Bell, E Bell, J Bell, L Boyd, D Boyes, P Brookes, J Brown, J Carr, J Chaplow, J Charlton, J Clare, J Clark, M Clarke, J Considine, K Corrigan, P Crathorne, R Crute, M Davinson, S Dunn, A Gardner, J Grant, O Gunn, C Hampson, S Henig, L Hovvells, E Huntington, I Jewell, O Johnson, C Kay, B Kellett, L Kennedy, A Laing, J Lethbridge, H Liddle, L Maddison, J Maitland, R Manchester, C Marshall, L Marshall, M McKeon, I McLean, O Milburn, S Morrison, A Napier, H Nicholson, A Patterson, C Potts, L Pounder, S Quinn, J Robinson, S Robinson, K Shaw, H Smith, B Stephens, J Stephenson, D Stoker, A Surtees, P Taylor, K Thompson,

F Tinsley, T Tucker, J Turnbull, A Watson, M Wilkes, C Wilson, M Wilson, D Wood and S Zair.

### **Abstentions**

Councillors A Bainbridge, B Bainbridge, R Bell, D Brown, L Brown, G Darkes, S Durham, D Freeman, N Grayson, K Hawley, T Henderson, A Hopgood, P Howell, S Hugill, P Jopling, K Liddell, L Maddison, C Martin, E Mavin, M McGaun, J Nicholson, A Reed, G Richardson, A Shield, M Simmons, A Simpson and O Temple.

The Amendment was **Lost**.

An amendment was **Moved** by Councillor R Bell, **Seconded** by Councillor Henderson as follows:

In respect of the Cabinet's 2018/19 Revenue Budget:

- (a) Cease publication of the County Durham News from April 2018 but retain the Events Guide and Guide to Services. This would produce an annual recurring saving of £137,000 to be utilised on the DCC Highways Maintenance Capital budget.
- (b) Utilise £364,000 of the non-recurrent £1.764m Adult Social Care and Support Grant (which is proposed to be used for 'social care prevention initiatives') to fund existing pressures in Adult Social Care and the released funding of £364,000 to be utilised on the DCC Highways Maintenance Capital budget.
- (c) In respect of (a) and (b) – AAPs be consulted on the additional works proposed in their area, and that AAPs be required to consider utilising some of their own capital budgets for this purpose.
- (d) REAL directorate to consider applying budget underspends at end of financial year 17/18 to the DCC Highways Maintenance Capital budget.
- (e) REAL directorate to undertake a feasibility study for food waste collection and digestion, including pilots and alternative fuel sources for vehicles in advance of current contracts expiring in 2025.

### **For the Amendment**

Councillors A Bainbridge, B Bainbridge, R Bell, D Brown, L Brown, S Durham, D Freeman, T Henderson, A Hopgood, P Howell, S Hugill, J Makepeace, E Mavin, G Richardson, P Sexton, D Stoker and O Temple.

### **Against the Amendment**

Councillors E Adam, J Allen, J Atkinson, P Atkinson, A Batey, D Bell, E Bell, J Bell, L Boyd, D Boyes, P Brookes, J Brown, J Carr, J Chaplow, J Clare, J Clark, M Clarke, J Considine, K Corrigan, P Crathorne, R Crute, M Davinson, S Dunn, A Gardner, J Grant, O Gunn, C Hampson, S Henig, L Hovvells, E Huntington,

I Jewell, O Johnson, C Kay, B Kellett, L Kennedy, A Laing, J Lethbridge, H Liddle, J Maitland, R Manchester, C Marshall, L Marshall, M McKeon, I McLean, O Milburn, S Morrison, A Napier, H Nicholson, P Oliver, A Patterson, C Potts, L Pounder, S Quinn, J Robinson, K Shaw, H Smith, B Stephens, J Stephenson, A Surtees, P Taylor, K Thompson, F Tinsley, T Tucker, J Turnbull, A Watson, C Wilson, M Wilson, D Wood and S Zair.

### **Abstentions**

Councillors J Blakey, J Charlton, G Darkes, N Grayson, K Hawley, P Jopling, K Liddell, L Maddison, C Martin, M McGaun, J Nicholson, A Reed, S Robinson, A Shield, J Shuttleworth, M Simmons, A Simpson, M Wilkes. A Willis

The Amendment was **Lost**.

An amendment was **Moved** by Councillor Wilkes, **Seconded** by Councillor Stoker as follows:

Recent studies have shown that Durham County Council has the largest number of empty properties in the UK by Council area.

To address this our Regeneration department will identify 3 additional staff to work solely on bringing empty homes back into use with a target of bringing 65 additional properties a year back into use over 3 years.

For 2018/19 the estimated salary costs of the three staff (£103,350) to be met from the budget support reserve. Future years salaries assumed to be paid for from the the empty homes element of the New Homes Bonus which the Council will receive - the equivalent of an additional Band D council tax per year for four years for every net extra property we bring back into use.

### **Note :**

The Empty Homes Bonus provides the equivalent of 4 years of Band D council tax for every net additional property brought back into use, which is currently £1590 per year or £6360 per property.

This proposal is revenue neutral and only asks that officers bring back into use an additional 1% of all empty properties each year.

### **For the Amendment**

Councillors E Adam, J Allen, J Atkinson, P Atkinson, A Bainbridge, B Bainbridge, A Batey, D Bell, E Bell, J Bell, R Bell, J Blakey, L Boyd, D Boyes, P Brookes, D Brown, J Brown, L Brown, J Carr, J Chaplow, J Charlton, J Clare, J Clark, M Clarke, J Considine, K Corrigan, P Crathorne, R Crute, G Darkes, M Davinson, S Dunn, S Durham, D Freeman, A Gardner, J Grant, N Grayson, O Gunn, C Hampson, K Hawley, T Henderson, S Henig, A Hopgood, L Hovvels, P Howell, S Hugill, E Huntington, I Jewell, O Johnson, P Jopling, C Kay, B Kellett, L Kennedy, A Laing, J Lethbridge, K Liddell, L Maddison, J Maitland, R Manchester, C Marshall, L Marshall, C Martin, E Mavin, M McGaun, M McKeon, I McLean, O Milburn, S Morrison, A Napier, H Nicholson, P Oliver, A Patterson, C Potts, L Pounder, S Quinn, A Reed, G Richardson, J Robinson, S Robinson, K Shaw, A Shield,

J Shuttleworth, M Simmons, A Simpson, H Smith, B Stephens, J Stephenson, D Stoker, A Surtees, O Temple, K Thompson, T Tucker, A Watson, M Wilkes, A Willis, C Wilson, D Wood and S Zair.

### **Against the Amendment**

Councillors H Liddle, J Makepeace, P Sexton and J Turnbull

### **Abstentions**

Councillor P Taylor, F Tinsley and M Wilson

The Amendment was **Carried**.

The Corporate Director of Resources informed the Council that the Amendment, while not having any impact on the bottom line of the budget or the council tax requirement, would require various appendices in the MTFP report to be amended.

An amendment was **Moved** by Councillor Martin, **Seconded** by Councillor Wilkes as follows:

Durham County Council currently has a huge highways capital works backlog approaching £200 million. Whilst the Council is doing better than the national and regional average in repairing A and B class roads, we are significantly below the regional and national averages for estate and unclassified roads. We also have a significant backlog of pavement repairs.

Council therefore agrees to invest an additional £5m a year for 3 years into road and footway capital works on estate and unclassified roads.

This will be paid for by using a portion of the unallocated new prudential borrowing already in the MTFP. This will cost £275,000 in each of the next three years. For 2018/19 this will require additional use of the budget support reserve totalling £275,000.

Notes:

Taken alongside other Lib Dem proposals in this budget, around 50% of the unallocated prudential borrowing would still be available for capital schemes still not identified by Cabinet.

### **For the Amendment**

Councillors A Bainbridge, B Bainbridge, R Bell, D Brown, L Brown, J Charlton, G Darkes, S Durham, D Freeman, A Gardner, N Grayson, K Hawley, T Henderson, A Hopgood, P Howell, S Hugill, P Jopling, K Liddell, L Maddison, J Makepeace, C Martin, E Mavin, M McGaun, P Oliver, A Reed, G Richardson, S Robinson, P Sexton, A Shield, J Shuttleworth, M Simmons, A Simpson, D Stoker, O Temple, KThompson, A Watson, M Wilkes, A Willis and S Zair.

### **Against the Amendment**

Councillors E Adam, J Allen, J Atkinson, P Atkinson, A Batey, D Bell, J Bell, L Boyd, D Boyes, P Brookes, J Brown, J Carr, J Chaplow, J Clare, J Clark, M Clarke, J Considine, K Corrigan, P Crathorne, R Crute, M Davinson, S Dunn, J Grant, O Gunn, C Hampson, S Henig, L Hovvells, E Huntington, I Jewell, O Johnson,

C Kay, B Kellett, L Kennedy, A Laing, J Lethbridge, H Liddle, J Maitland, R Manchester, C Marshall, L Marshall, M McKeon, I McLean, O Milburn, S Morrison, A Napier, H Nicholson, A Patterson, C Potts, L Pounder, S Quinn, J Robinson, K Shaw, H Smith, B Stephens, J Stephenson, A Surtees, P Taylor, F Tinsley, T Tucker, J Turnbull, C Wilson, M Wilson and D Wood.

**Abstentions**

Councillor J Blakey

The Amendment was **Lost**.

Councillor Hopgood informed the Council that she had submitted a budget amendment, but following discussions with Councillor C Marshall, Portfolio Holder for Economic Regeneration, she would withdraw her amendment.

A vote was then taken on the main Motion, as amended by Councillor Wilkes Motion, which was the recommendations contained within the report.

**Medium Term Financial Plan 2018/19 to 2021/22 and Revenue and Capital Budget 2018/19**

**For the Motion**

Councillors E Adam, J Allen, J Atkinson, P Atkinson, A Batey, D Bell, E Bell, J Bell, J Blakey, L Boyd, D Boyes, P Brookes, J Brown, J Carr, J Chaplow, J Clare, J Clark, M Clarke, J Considine, K Corrigan, P Crathorne, R Crute, M Davinson, S Dunn, J Grant, O Gunn, C Hampson, S Henig, L Hovvels, S Hugill, E Huntington, I Jewell, O Johnson, C Kay, B Kellett, L Kennedy, A Laing, J Lethbridge, H Liddle, J Maitland, R Manchester, C Marshall, L Marshall, M McKeon, I McLean, O Milburn, S Morrison, A Napier, H Nicholson, P Oliver, A Patterson, C Potts, L Pounder, S Quinn, J Robinson, K Shaw, H Smith, B Stephens, J Stephenson, A Surtees, P Taylor, F Tinsley, T Tucker, J Turnbull, A Watson, C Wilson, M Wilson and D Wood.

**Against the Motion**

Councillors A Bainbridge, B Bainbridge, R Bell, D Brown, L Brown, J Charlton, G Darkes, S Durham, D Freeman, A Gardner, N Grayson, K Hawley, T Henderson, A Hopgood, P Howell, P Jopling, K Liddell, L Maddison, L Makepeace, C Martin, E Mavin, A Reed, G Richardson, S Robinson, P Sexton, A Shield, J Shuttleworth, A Simpson, D Stoker, O Temple, K Thompson, A Willis and S Zair.

**Abstentions**

Councillors M McGaun, M Simmons and M Wilkes.

**Resolved:**

That the report, as amended, and its recommendations be adopted in full.

## **Council Tax Setting in Order to Meet the County Council's Council Tax Requirement for 2018/19**

### **For the Motion**

Councillors E Adam, J Allen, J Atkinson, P Atkinson, A Batey, D Bell, E Bell, J Bell, J Blakey, L Boyd, P Brookes, J Brown, J Carr, J Chaplow, J Clare, J Clark, M Clarke, J Considine, K Corrigan, P Crathorne, R Crute, M Davinson, S Dunn, J Grant, O Gunn, C Hampson, S Henig, L Hovvels, S Hugill, E Huntington, I Jewell, O Johnson, C Kay, B Kellett, L Kennedy, A Laing, J Lethbridge, H Liddle, L Maddison, J Maitland, R Manchester, C Marshall, L Marshall, M McKeon, I McLean, O Milburn, S Morrison, A Napier, H Nicholson, A Patterson, C Potts, L Pounder, S Quinn, J Robinson, K Shaw, H Smith, B Stephens, J Stephenson, A Surtees, P Taylor, F Tinsley, T Tucker, J Turnbull, A Watson, C Wilson, M Wilson and D Wood.

### **Against the Motion**

Councillors A Bainbridge, B Bainbridge, R Bell, D Brown, L Brown, J Charlton, G Darkes, S Durham, D Freeman, A Gardner, N Grayson, K Hawley, T Henderson, A Hopgood, P Howell, P Jopling, K Liddell, L Makepeace, C Martin, E Mavin, P Oliver, A Reed, G Richardson, S Robinson, P Sexton, A Shield, J Shuttleworth, A Simpson, D Stoker, O Temple, K Thompson, A Willis and S Zair.

### **Abstentions**

Councillors M McGaun, M Simmons and M Wilkes.

### **Resolved:**

That the following be adopted:

- (a) It be noted that on 15 November 2017 the Cabinet calculated the Council Tax Base 2018/19 for:
  - (i) the whole Council area as 138,419.2 Band D equivalent properties [Item T in the formula in Section 31B of the Local Government Finance Act 1992 (as amended) and;
  - (ii) dwellings in those parts of its area to which a Parish precept relates as in the attached Appendix 3.
- (b) The Council Tax Requirement for the Council's own purposes for 2018/19 (excluding Parish precepts and the Charter Trustees for the City of Durham) is £209,712,009.
- (c) Agree the following amounts in accordance with Sections 30 to 36 of the Act being the:

- (i) aggregate of the gross expenditure which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils is £1,244,868,071;
  - (ii) aggregate of the gross income which the Council estimates for the items set out in Section 31A(3) of the Act is £1,022,611,616;
  - (iii) amount by which the aggregate at (c) i) above exceeds the aggregate at (c) ii) above in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act) is £222,256,455;
  - (iv) amount at (c) iii) above (Item R), all divided by Item T ((a) i) above), in accordance with Section 31B of the Act as the basic amount of its Council Tax at Band D for the year (including Parish precepts is £1,605.68;
  - (v) aggregate amount of all special items referred to in Section 34 (1) of the Act: (total of all Parish precepts including Charter Trustees) is £12,544,446;
  - (vi) amount at (c) iv) above less the result given by dividing the amount at (c) v) above by Item T ((a) i) above), in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax at Band D for the year for dwellings in those parts of its area to which no Parish precept relates is £1,515.05.
- (d) It be noted that for 2018/19, the County Durham and Darlington Fire and Rescue Authority has recommended the following amounts be in the precept issued to the County Council, in accordance with Section 40 of the Act, as shown in the table below:

**COUNTY DURHAM AND DARLINGTON FIRE AND RESCUE AUTHORITY**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
£	£	£	£	£	£	£	£
67.02	78.19	89.36	100.53	122.87	145.21	167.55	201.06

- (e) It be noted that for 2018/19, the Durham Police, Crime and Victims' Commissioner has recommended that the following amounts be in the precept issued to the County Council, in accordance with Section 40 of the Act, as shown in the following table:

**DURHAM POLICE, CRIME AND VICTIMS' COMMISSIONER**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
£	£	£	£	£	£	£	£
120.83	140.96	161.10	181.24	221.52	261.79	302.07	362.48

- (f) That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992 (as amended) hereby sets the aggregate

amounts shown in the tables below as the amounts of council tax for 2018/19 for each part of its area and for each of the categories of dwellings;

**DURHAM COUNTY COUNCIL**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
£	£	£	£	£	£	£	£
954.50	1,113.58	1,272.67	1,431.75	1,749.92	2,068.08	2,386.25	2,863.50

**DURHAM COUNTY COUNCIL – ADULT SOCIAL CARE**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
£	£	£	£	£	£	£	£
55.53	64.79	74.04	83.30	101.81	120.32	138.83	166.60

**AGGREGATE OF COUNCIL TAX REQUIREMENTS  
(excluding Parish, Town Council and Charter Trustees)**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
£	£	£	£	£	£	£	£
1,197.88	1,397.52	1,597.17	1,796.82	2,196.12	2,595.40	2,994.70	3,593.64

- (g) That the Council has determined that its relevant basic amount of Council Tax for 2018/19 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992 (as amended) and that the increase in council tax is not excessive in accordance with the principles approved under Section 52ZC Local Government Finance Act 1992 (as amended).
- (h) As the billing authority, the Council has not been notified by County Durham and Darlington Fire and Rescue Authority and Durham Police, Crime and Victims' Commissioner, as major precepting authorities, that their relevant basic amount of council tax for 2018/19 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992 (as amended).
- (i) The County Council, in accordance with Section 11A (3) of the Act sets a 0% discount for Second and Empty Furnished Homes.
- (j) The County Council, in accordance with Section 11A (4A) of the Act sets a 0% discount for dwellings defined in Classes C or D.
- (k) The County Council, in accordance with Section 11B (1b) of the Act sets a 50% premium for Long Term Empty Homes.
- (l) The Chief Executive be instructed to publish a notice in accordance with Section 38 (2) of the Act, relating to the amounts of council tax set.
- (m) The Chief Executive be instructed to publish a notice in accordance with Section 11A (6) and 11B (6) of the Act, relating to the discount set.

**12 Motions on Notice**

There were no Motions on Notice.

**13 Questions from Members**

There were no questions from Members.

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18 April 2018

Report from the Cabinet



### Purpose of the Report

To provide information to the Council on issues considered by the Cabinet on 14 March 2018 to enable Members to ask related questions.

Members are asked to table any questions on items in this report by 2 pm on 17 April 2018 in order for them to be displayed on the screens in the Council Chamber.

### Contents

#### 14 March 2018

- Item 1      Welfare Assistance Scheme 2018/19  
[Key Decision: CORP/R/18/03]
- Item 2      Consultation Feedback on the Proposal for Changes to the  
Charging Policy for Non-Residential Social Care Services [Key  
Decision: AHS/03/17]
- Item 3      Proposal to Change the Age Range of Wingate Infant School  
from 4-7 to 4-11 from 1 September 2018 to create a Primary  
School and to Close Wingate Junior School as a Registered  
School on 31 August 2018 [Key Decision: CYPS/04/17]
- Item 4      Forecast of Revenue and Capital Outturn 2017/18 – Period to  
31 December 2017
- Item 5      Quarter Three 2017/18 Performance Management Report

1.      **Welfare Assistance Scheme 2018/19**  
**Key Decision: CORP/R/18/03**  
**Leader and Deputy Leader of the Council, and Cabinet Portfolio**  
**Holder– Councillors Simon Henig, Alan Napier, and Jane Brown**  
**Contact – Paul Darby 03000 261 930**

We have considered a joint report of the Corporate Director of Resources and the Director of Transformation and Partnerships which provided details of the

review of the Welfare Assistance Scheme, which has been overseen by the Council's Poverty Action Steering Group.

Retaining a Welfare Assistance Scheme, with provision for Daily Living Expenses and Settlement Grant payments is considered essential. However, the report outlined a number of proposals for changes to the existing policy and delivery arrangements from April 2018.

The review of the Welfare Assistance current scheme has allowed the Council to retain and build on the positive aspects of the current arrangements, around the speed of delivery and the method of delivery which reduces the stigma on the customer receiving this assistance. The scheme is considered to have consistent decision making, excellent governance arrangements and a strong level of assurance from audit in terms of its processes and procedures.

A number of enhancements and improvements were proposed and the updated policy was attached to the report at Appendix 2. These amendments take into account the feedback received during the course of the review. The changes are summarised below:

- a) Nappies and Baby Milk - following discussions with stakeholders including colleagues in Public Health, in future the Welfare Assistance Scheme will be revised to incorporate a £20 Paypoint cash out voucher option to enable people to purchase the appropriate nappies and baby milk for their children's needs. This will address difficulties in fulfilling the requirement for nappies under the current processes.
- b) Hygiene Packs - it is proposed that the Welfare Assistance Scheme be amended to incorporate a hygiene pack, with a proposed amount of £10.00 per award. This will allow for the purchase of toiletries and sanitary products;
- c) Utility Costs (Gas and Electric) - it is proposed that the Welfare Assistance Scheme follows the principles used for food baskets, and that the value of utility costs is awarded according to household composition. The Welfare Assistance Scheme will be amended from £28.30 per household to £30.00 for a single person, £35.00 for a couple and an extra £5.00 per child in terms of utility costs;
- d) Travel - it is proposed to keep the provision of travel within the Durham scheme. From April the Welfare Assistance Scheme will include a Paypoint cash out voucher for a maximum amount of £50.00 to fulfil this requirement;
- e) Replacement Goods - replacement goods for items such as white goods and furniture are not covered within the existing Welfare Assistance Scheme, however, it is proposed to provide low cost loans through the for replacement goods from the NE Credit Union;

- f) Definition of close family member - the Welfare Assistance policy has been clarified to give meaning to 'close family member' using the definition from Housing Benefit legislation.

Further work is required to promote awareness of the Policy, particularly in Children's Social Care where needs are being met through s17 Payments rather than through the use of the Welfare Assistance Scheme. A comprehensive communications, promotion and training campaign will be implemented to ensure that internally and externally we raise awareness of the scheme as widely as possible.

In terms of the Welfare Assistance Scheme budget, it is proposed that the £860,000 funding available awards via the Welfare Assistance Scheme will be pre-committed as follows:

- (a) Area Action partnerships – £140,000 annual allocation (£10,000 for each AAP) to fund Welfare Reform initiatives in the locality, on this basis that this complements and augments services and provision already funded within the locality e.g. Advice and Support arrangements, foodbank coverage etc.;
- (b) The Durham Foodbank – £50,000 annual grant to fund part of their core countywide infrastructure, on the basis that this complements and augmented the Daily Living expenses provided under the Welfare Assistance Scheme;
- (c) FEED Project (East Durham Trust) – £2,700 annual contribution to increase capacity / ability to support residents in East Durham, on the basis that this complements and augmented the Daily Living expenses provided under the Welfare Assistance Scheme and via the Foodbank coverage in this area;
- (d) NE First Credit Union - £10,000 annual allocation to underwrite the low cost loan facilities that have been factored into the Welfare assistance Scheme Policy at Appendix 2.

Factoring in these allocations, the sums available to meet demand for Daily Living Expenses and Settlement Grant applications in 2018/19 will be £657,300, with any underspending being carried forward in an earmarked reserve at year end. Any overspending against the scheme would be funded via sums being drawn down from the reserve at year end.

## **Decision**

We have:

- (a) Noted the outcomes of a review of the Welfare Assistance Scheme, which has been overseen by the Councils Poverty Action Steering Group and which outlines proposals for changes to the policy and delivery arrangements from April 2018;

- b) Approved the updated Welfare Assistance Scheme Policy.
- c) Delegated authority to the Corporate Director of Resources and Director of Transformation and Partnerships, in consultation with the Cabinet Member for Social Inclusion, to make any further amendments to the Welfare Assistance Scheme going forward.

**2. Consultation Feedback on the Proposal for Changes to the Charging Policy for Non-Residential Social Care Services**

**Key Decision: AHS/03/17**

**Deputy Leader of the Council, and Cabinet Portfolio Holder–  
Councillors Alan Napier, and Lucy Hovvels**

**Contact – Lee Alexander 03000 268180**

We have considered a joint report of the Corporate Director of Adult and Health Services and the Corporate Director of Resources which provided the results of the consultation exercise on the proposals to make changes to the non-residential charging policy for people who receive social care services in respect of the Minimum Income Guarantee (MIG). The changes would apply to new clients only from 1 April 2018.

On 18 October Cabinet agreed that a consultation should be undertaken on whether to change the current charging arrangements. The changes would apply to the Minimum Income Guarantee (MIG) allowances applied when assessing a person's contribution to the cost of their non-residential care services.

When the Care Act 2014 came into force on 1 April 2015, the Department of Health prescribed the minimum amount of income a person must be left with after charging for care and support. Councils can allow people to keep more income if they wish. This is referred to as the Minimum Income Guarantee (MIG). After charging, a person must be left with the minimum income guarantee (MIG), as set out in the Care and Support (Charging and Assessment of Resources) Regulation 2014. In addition, where a person receives benefits to meet their disability needs that do not meet the eligibility criteria for local authority care and support, the charging arrangements should ensure that they keep enough money to cover the cost of meeting these disability-related costs.

Durham County Council currently use the weekly DWP benefit rates +25% as a mechanism by which service users can be left with a minimum income guarantee (MIG). The concept of weekly DWP benefit rates +25% was originally devised by Torbay Council in 2002/2003 when Fairer Charging was introduced for Adult Care financial assessments and was recommended as best practise by the Department of Health. The Department of Health has issued a circular [LAC (DH) (2017) 1], which states that the MIG allowances for 2017/18 will remain frozen to the rates first set in 2015/16. This puts Durham in a position where it is currently applying a minimum income guarantee higher than those defined in DH guidance, which applies a buffer equivalent to weekly DWP benefit rates + 18.6%. This results in service users

in County Durham contributing less towards their care than if the allowances set out in the Department of Health's circular were applied.

The proposal put forward to Cabinet in October was to change the weekly DWP benefits rate+25% disregard and replace this with the disregards as set out in the DH guidance with this policy change applying to new service users only, subject to a public consultation on those proposals. These changes would bring the Council's policy in-line with a number of other authorities in the region.

Analysis of caseload data shows that every year 34% of service users aged 65+ stop receiving non-residential services because they either go into residential/ nursing care or pass away. The attrition rate for people aged 18-64 is lower at 14%, as they are likely move into the aged 65+ cohort with the passage of time. The attrition rate is a reason for applying the new rate to new service users only as after a period of time the new rate will apply to all service users.

Consultation was carried out from 23 October 2017 to 14 January 2018 and details of the responses were included in the report. There was a limited response to the consultation, possibly reflecting the fact that the Council was not seeking to make these changes for existing recipients of service and the fact that the changes proposed are based on an actual assessment of need.

The savings from the proposed changes are estimated at c£267,000 per annum across the period 2018/19 to 2020/21 can be achieved, a total of £800,000, which has been built into MTFP(8), as agreed by Council on 21 February 2018.

## **Decision**

We have agreed:

- a) With effect from 1 April 2018, to change the figures used when calculating a MIG from weekly DWP benefit rates +25% to the Department of Health MIG rate;
- b) That the Council do not revise the current financial assessment for people currently receiving services who will remain under the existing policy.

**3. Proposal to Change the Age Range of Wingate Infant School from 4-7 to 4-11 from 1 September 2018 to create a Primary School and to Close Wingate Junior School as a Registered School on 31 August 2018**

**Key Decision: CYPS/04/17**

**Cabinet Portfolio Holder– Councillor Olwyn Gunn**

**Contact – Sheila Palmerley 03000 265731**

We have considered a report of the Corporate Director of Children and Young People's Services which sought Cabinet approval to change the age range of Wingate Infant School from 4-7 to 4-11 from 1 September 2018 to create a Primary School and to close Wingate Junior School as a registered school on 31 August 2018, taking account of the Local Authority's duties as prescribed in the Education and Inspections Act 2006 to secure sufficient places, and to ensure good outcomes for all children and young people in the local area.

In December 2016, Cabinet approved its overarching strategy for school organisation and the pattern and provision of schools across County Durham. One of the principles underlying the strategy is where practicable to do so, to move towards a pattern of 'all through' primary schools rather than separate infant and junior schools. In November 2017, Cabinet also approved a strategic review of school provision in County Durham to ensure the financial sustainability of schools. The outcome of this review aims to ensure that County Durham has an appropriate mix and the right number of high performing, financially sustainable schools. One of the options to be utilised to meet this aim is the amalgamation of schools.

Officers within the Council believe that children and their families will benefit from continuity of education provision from age 4-11 in a single primary school, rather than two separate schools. The proposal to amalgamate Wingate Infant and Junior Schools into a single primary school is in accordance with the council's strategy of moving towards a model of all through primary schools instead of separate, Nursery, Infant and Junior Schools. The proposal will result in a larger, more sustainable school running across the existing site of Wingate Infant and Junior Schools that can deliver education for the community of Wingate for the long term.

Using delegated powers, the Corporate Director, Children and Young People's Services approved the start of consultation on the proposal to change the age range of Wingate Infant School from 4-7 to 4-11 from 1 September 2018 to create a primary school and to close Wingate Junior School as a registered school on 31 August 2018. The delegated decision report is included in Appendix 2. A public consultation was undertaken between 13 November 2017 and 22 December 2017. Details of the consultation and a full summary of the consultation responses were included in the delegated decision report.

The responses to the consultation were received and considered by officers in the County Council. Of the 73 responses received, 38 were in support of the proposal and 35 were not in support of it. A summary of the responses was provided in the delegated decision report.

After full consideration of all the responses to the consultation, the Corporate Director of Children and Young People's Services used delegated powers to agree to publish proposals to change the age range of Wingate Infant School from 4-7 to 4-11 from 1 September 2018 to create a Primary School and to close Wingate Junior School as a registered school on 31 August 2018. The proposed Primary School would run across the existing sites of Wingate Infant and Junior Schools. A statutory notice was therefore published on 11 January 2018. A 4 week representation period during which comments on the proposal can be made. 9 responses were received by the end of the 4 week statutory notice period and these responses were detailed in the report.

Officers believe that proceeding with the proposal will enhance education provision in Wingate. Amalgamating Wingate Infant and Junior Schools into one Primary School will provide a more viable establishment for the long term and will provide educational benefits that separate Infant and Junior Schools do not.

### **Decision**

We have agreed:

- a) that the age range of Wingate Infant School should be changed from 4-7 to 4-11 from 1 September 2018 to create a primary school across the existing sites of Wingate Infant and Junior Schools; and
- b) that Wingate Junior School should close as a registered school on 31 August 2018 but that the school buildings become part of the single primary school.

#### **4. Forecast of Revenue and Capital Outturn 2017/18 – Period to 31 December 2017 Deputy Leader of the Council – Councillor Alan Napier Contact – Jeff Garfoot 03000 261 946**

We have considered a report of the Corporate Director of Resources which provided information on the following:

- (a) forecast revenue and capital outturn for 2017/18;
- (b) forecast for the Council's Council Tax and Business Rates Collection Fund position at 31 March 2018;
- (c) use of earmarked, cash limit and general reserves.

The report also sought approval of the budget adjustments and proposed sums outside of the cash limit.

## **Revenue Outturn Forecast – Based on Position to 31 December 2016**

In accordance with the Council's Constitution, Council agreed the Medium Term Financial Plan, which incorporates the revenue and capital budgets for 2017/18, on 22 February 2017. The Constitution also states that the Chief Finance Officer must report to Cabinet on the overall Council budget monitoring position on a quarterly basis. Therefore, the report provided an updated forecast of the revenue and capital outturn for 2017/18, based upon expenditure and income up to 31 December 2017.

The report provided details on the following adjustments which have been made to the original budget agreed by Council on 22 February 2017:

- (a) agreed budget transfers between Service Groupings;
- (b) additions to budget for items outside the cash limit;
- (c) planned use of or contribution to Earmarked Reserves.

## **Capital**

On 12 July 2017 Cabinet received a report which provided details of the final outturn position of the 2016/17 Capital Programme. The Council's Member Officer Working Group (MOWG) has since considered further revisions to the capital programme, taking into account additional resources received by the Council and further requests for reprofiling as Service Management Teams continue to monitor and review their capital schemes. The variations of note were detailed in the report.

The report also provided details on the current position in respect of Council Tax and Business Rates.

## **Decision**

We have:

- (a) noted the Council's overall financial position for 2017/18;
- (b) agreed the proposed 'sums outside the cash limit' for approval;
- (c) agreed the revenue and capital budget adjustments;
- (d) noted the forecast use of Earmarked Reserves;
- (e) noted the forecast end of year position for the Cash Limit and General Reserves;
- (f) noted the position on the Capital Programme and the Collection Funds in respect of Council Tax and Business Rates.

**5. Quarter Three 2017/18 Performance Management Report  
Leader of the Council– Councillor Simon Henig  
Contact – Paul Darby 03000 261 930**

We have considered a report of the Director of Transformation and Partnerships which presented progress against the Council's corporate performance framework by Altogether priority theme for the third quarter of the 2018/19 financial year.

Despite the ongoing financial pressures, the Council continues to improve or maintain performance in some key areas. The employment rate has continued to improve and remains better than the regional rate.

Youth unemployment has decreased although apprenticeship starts for 16 to 17 year olds was lower than last year. There is a continuing trend of more new homes completed and empty properties brought back into use. In relation to children's social care, the number of looked after children continues to show early indication that demand may be plateauing. In terms of adult social care, we continue to have low levels of delayed transfers of care from hospital, having the fourth lowest rate in the country. Anti-social behaviour continues to decrease and first time entrants to the youth justice system have been reducing over time. The Council continues to divert almost all waste from landfill and street and environmental cleanliness is generally good.

Children's social care demand continues to be high with more children on a child protection plan, now the highest rate since first reported in 2014. Social worker caseload levels remain high and quality of casework files requires further improvement. Fewer children have been adopted from care or with foster placements and the use of external residential placements for looked after children has stabilised over the last year but remains high. Challenges are ongoing in relation to the health of the county, with the rate of mothers smoking at time of delivery and breastfeeding prevalence both worse than national levels. There are more overweight or obese adults compared nationally and regionally and almost one in four children are overweight or obese at reception, rising to more than one in three at year six. The rate of suicides in County Durham remains significantly higher than the national level and recorded crime continues to increase. Fly-tipping incidents show a further increase and ongoing improvement issues continue in the rate of employee appraisals and sickness absence levels. Processing times of Freedom of Information and Environmental Information Regulations requests remain below the national target.

### **Decision**

We have agreed the changes to the Council Plan outlined below:

#### **Altogether Wealthier**

- (i) The timescale for the adoption of the County Durham Plan has been revised from November 2018 to December 2020. The new timescales have been detailed in the Cabinet report agreed last November.

- (ii) Supporting the development of the North East Local Transport Plan and leading on the development of the associated County Durham supporting strategies has been delayed from March 2018 until December 2018. A full public consultation is due to take place during mid-2018 after the local elections and all the comments will be incorporated into a final version for Members' approval and publication by December 2018.
- (iii) A review of Durham Town Hall to develop a new operating model to improve the visitor experience and maximise the revenue streams has been delayed further from March 2018 to March 2019. A start up meeting has taken place but the project has been delayed as resources have been redirected toward the leisure and library transformation.

### **Altogether Greener**

- (iv) The commission of a leachate treatment system at Coxhoe East landfill site; incorporating the Environment Agency's requirements, meeting Natural England's requirements and meeting planning conditions has been delayed further from November 2017 to December 2020. Resulting from discussions with the key stakeholders it has become apparent that due to the challenges around managing the Great Crested Newt population on site the project will take at least two years to complete with a further year to fully commission and sign it off.

### **Altogether Better Council**

- (v) The assessment of cemetery provision in order to develop a countywide cemetery policy has been delayed further from December 2017 to December 2018. A cemetery policy is already in place but identification of land in order to do the assets work has proved difficult.
- (vi) The review and adoption of the Customer First Strategy has been further delayed from April 2018 to July 2018. The draft strategy is currently going through consultation with key stakeholders within the Council before consideration by the Digital Customer Board.
- (vii) The provision of support to organisations interested in the Ask programme including the first commitment to library transfer has been delayed from March 2018. A revised date has not yet been agreed but timetable for transformation of the service, including consideration of asset transfer model, will be agreed in April 2018.
- (viii) There have been delays in the corporate and partnership planning arrangements including a second whole partnership event to identify opportunities to enhance outcomes through effective joint working across the County Durham Partnership (from November 2017 to November 2018) and the streamlining of the corporate planning

arrangements including Council Plan and Sustainable Community Strategy (from October 2017 to March 2019) due to other priorities.

**Councillor S Henig**  
**Leader of the County Council**

10 April 2018

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**County Council****18 April 2018****Interim Update and Revision of the Council's Hackney Carriage and Private Hire Licensing Policy**

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**Report of Corporate Director of Regeneration and Local Services  
Councillor Brian Stephens, Portfolio Holder for Neighbourhoods and  
Local Partnerships**

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**Purpose of the Report**

1. To inform Council of an interim revision and update of Durham County Council's Hackney Carriage and Private Hire Licensing Policy, more commonly referred to as the Taxi Policy. For the purposes of this report, unless otherwise stated, the use of the term "taxi" will include private hire vehicles.

**Background**

2. The current 'Taxi Policy' Policy was adopted by the Council in April 2016. This policy was then amended in January 2017 following the inclusion of minor revisions associated with national changes to taxi driving assessments.
3. The Taxi Policy states that the Council will review it every five years and will also make such revisions to the policy, as it considers appropriate and publish it accordingly.
4. There have been recent legislative changes brought in by the Equality Act 2010 concerning wheelchair accessible licensed vehicles and their drivers and also by the Immigration Act. There have also been changes to the law dealing with certain categories of historic cautions and convictions.
5. As a result of these legal matters it is considered appropriate to update the policy documentation in order to clearly and explicitly identify how and when take these matters will be taken into consideration by the Council. This interim update also provided an opportunity to scrutinise the documentation and to make some other minor grammatical alterations. Some of the proposed changes are merely typographical and others involve alterations to some sentences and paragraphs, enhancing clarification and for explanatory purposes.
6. This updated version policy has been amended in conjunction with DCC Legal Services. All proposed changes to the current policy are shown in Table 1 'Table of Changes' in Appendix 3. These changes have been included in the revised policy in Appendix 4. The current policy is attached as appendix 2.

7. The updates to the policy comprise a 'technical review' carried out following new legislation. The changes do not fundamentally alter current adopted policy matters but add to them. The updated documentation has also been produced in accordance with the provisions and power conferred by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985, as amended, which places on the Council the duty to carry out its licensing functions in respect of hackney carriage and private hire licensing.
8. Following approval by Corporate Management Team, the proposed changes were sent to all of the registered members of the County Council's Taxi Working Group, the purpose being to take into consideration any opinions or suggestions that may arise from that consultation group. No responses to this consultation were received from any of the trade representatives as a result of the 28-day consultation that took place during November and December 2017.
9. The amended policy was presented to the General Licensing and Registration Committee on 18<sup>th</sup> January 2018. Members of this committee gave support to the proposed changes and recommended adoption of the updated version by Council. A copy of the proposed policy has been made available to all Members in the Members Library.

### **Recommendations**

10. Members consider the nature and content of the updated version of the taxi policy together with the proposals outlined in this report.
11. Council agrees to adopt the proposed updated version of the Taxi Policy with immediate effect. Publication of the revised policy will take place following its adoption.

### **Background Papers:**

- Durham County Council's existing Hackney Carriage and Private Hire Licensing Policy
- Table of changes
- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847

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**Contact: Joanne Waller                      Tel:            03000 260924**

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## **Appendix 1: Implications**

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### **Finance**

None

### **Staffing**

None

### **Risk**

None

### **Equality and Diversity / Public Sector Equality Duty**

The current Hackney Carriage and Private Hire Licensing Policy has already gone through a full Equality and Diversity Impact Assessment. The proposed changes to the document include new legislative provisions and requirements under the Equality Act.

### **Accommodation**

None

### **Crime and Disorder**

None

### **Sustainability**

None

### **Human Rights**

None

### **Consultation**

A directed consultation process involving taxi trade representatives who were members of the Durham Taxi Working Group was undertaken in respect of the review and update of this policy.

### **Procurement**

None

### **Disability Issues**

None

### **Legal Implications**

There are possible challenges by way of judicial review to changes in policy taken under 1976 Act. The updated policy and reports were considered by Legal Representatives from DCC who were fully consulted during and throughout the policy development process.

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**Neighbourhood Services**

**Environment Health and Consumer Services**

# **Hackney Carriage and Private Hire Licensing Policy 2016**

*Altogether better*



<b>Version Date</b>	<b>Version ref</b>	<b>Revision History</b>	<b>Reviser</b>	<b>Approved by</b>	<b>Review Date</b>
12 May 2011	v1	Final Version	Joanne Waller Head of EHCP Neighbourhood Services	County Council	April 2016
13 April 2016	v2	Final Version	Joanne Waller Head of EHCP Neighbourhood Services	County Council	April 2021
25 January 2017	V3	Final Version	Joanne Waller Head of EHCP Adult and Health Services	County Council	April 2021

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## **1. Introduction**

- 1.1. The purpose of this policy is to explain how the Council undertakes its functions with respect to hackney carriage and private hire licensing.
- 1.2. The Council, in adopting the licensing policy, recognises both the needs of residents for safe, convenient and effective taxi transport and the importance of this provision to the local economy and vibrancy of the County.
- 1.3. This policy has been produced in accordance with the powers conferred by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985, as amended, which places on the Council the duty to carry out its licensing functions in respect of hackney carriage and private hire licensing.
- 1.4. The development, review, application and implementation will be the responsibility of the Environment, Health and Consumer Protection Service.
- 1.5. The General Licensing and Registration Committee may make decisions that change the content of this policy. The changes may have immediate effect, or may come into effect on a given date.

## **2. Hackney Carriage and Private Hire Licensing**

- 2.1. Durham County Council is responsible for the licensing of hackney carriage and private hire vehicles, drivers and operators.
- 2.2. A hackney carriage vehicle is a public transport vehicle with no more than 8 passenger seats, which is licensed to 'ply for hire'. This means they can stand at ranks or be hailed / flagged down in the street by members of the public.
- 2.3. A private hire vehicle must also have no more than 8 passenger seats however, they must be 'pre booked' through a licensed private hire operator and may not ply for hire nor use appointed ranks.
- 2.4. The aim of licensing the hackney carriage and private hire vehicle trades is to protect and safeguard the public and to ensure that the public have reasonable access to Hackney Carriage and Private Hire services.
- 2.5. The Council recognises it is important that hackney carriage and private hire licensing powers are used appropriately to ensure that licensed vehicles of the Council are safe, comfortable, properly insured and available where and when required.

- 2.6. The Council will not grant a hackney carriage or private hire vehicle licence for any vehicle already licensed by another Local Authority.

### **3. Vehicle Emissions and Manufacture Criteria**

- 3.1. Three months from the adoption of this policy, new applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard "EURO 5".
- 3.2. Existing licensed vehicles will continue to be renewed but may only be replaced by vehicles meeting the criteria outlined above.

### **4. Scope**

- 4.1. This policy, which replaces all previous policies, shall apply throughout the administrative area of Durham County Council from the date of adoption.
- 4.2. In developing this policy the Council has taken account of the Licensing Objectives, listed within paragraph 5, relevant legislation and Government guidance including the best practice guidance issued by the Department for Transport and Office of Fair Trading
- 4.3. The Council has taken into account the views of the following when preparing this policy:
  - a) Current licence holders
  - b) Elected Members of the Council
  - c) Durham Constabulary
  - d) Local businesses and their representatives
  - e) Residents and their representative bodies
  - f) Local transport providers
  - g) Disability Groups
  - h) Planning Authority
  - i) Service users
  - j) The Automobile Association
- 4.4. A full list of those consulted in preparing this Policy is available from Licensing Services.

### **5. Taxi Licensing Objectives**

- 5.1. The Council will adopt and carry out its hackney carriage and private hire licensing functions with a view to protecting the public by promoting the following objectives:

- a) To ensure that safe, comfortable, reliable and accessible hackney carriage and private hire vehicles are available for all who require them
  - b) To ensure that all licensed drivers and private hire operators are fit and proper persons
  - c) To provide clarity for licensees with respect to the Council's requirements and the decision making process
  - d) To promote a professional and respected hackney carriage and private hire trade
- 5.2. These objectives will be taken into account by the Council when making decisions.

## **6. Promotion of taxi licensing objectives**

- 6.1. Methods used by this Council to promote the licensing objectives of this policy will include:
- a) Setting the standards for the licensing of drivers, vehicles and operators.
  - b) The licensing and routine inspections of vehicles, with appropriate follow up action.
  - c) Routine inspection of insurance policies, with appropriate follow up action.
  - d) The assessment of applicants to ensure they are 'fit and proper' persons and thereby entitled to hold a licence. This will include consideration of the persons medical suitability, criminal record (if any), driving standards and knowledge of the relevant law and locations in County Durham.
  - e) Investigation of complaints with appropriate follow up action.
  - f) Liaison with the Police, other local authorities and other relevant agencies regarding issues of mutual concern in relation to offences or the conduct of licence holders/applicants.
  - g) Taking enforcement and / or disciplinary action including prosecution proceedings, verbal and written warnings, written cautions, notices, suspension or revocation of licences for breaches of legislation or conditions and/or in connection with reports or incidents of poor conduct.
- 6.2. When considering applications and taking enforcement action the Council as the Licensing Authority will have regard to Environment, Health and Consumer Protection (EHCP) Enforcement Policy.

## **7. Partnership Working**

- 7.1. The Council will seek to work in partnership with the following agencies, groups and individuals to promote the licensing objectives:
- a) Local Hackney Carriage and Private Hire Trade
  - b) Countywide Taxi Working Group
  - c) Durham Constabulary
  - d) Internal Council Departments
  - e) Disability Groups
  - f) Regional Licensing Groups (NESLiG)
  - g) Any other appropriate formation which may contribute to the promotion of the objectives

## **8. Duties and Obligations under the Equality Act 2010**

- 8.1. To achieve the above standard the Council will endeavour to comply with the duties and obligations under the following legislation:
- a) The Equality Act 2010
  - b) Human Rights Act 1998
- 8.2. Providers of transport services by way of hackney carriage and private hire vehicles are now deemed to be providers of services to the public for the purposes of Part 3 of the Equality Act 2010.
- 8.3. A Statutory Code of Practice - Service, Public Functions and Associations - has been issued and provides guidance on specific issues associated with the Act. Licence holders should read this code and ensure they operate in accordance with it. As it is a statutory code, approved by Parliament it is admissible under the Act and Courts must take them into account where relevant.
- 8.4. Following the information provided in the Code may help transport providers avoid adverse court judgements – it includes examples of good practice – but it is not a complete or authoritative statement of the law and is not a substitute for taking appropriate advice. Ultimately the Courts will provide authoritative interpretation of the Code.
- 8.5. Where a disabled person believes they have been discriminated against the main remedies available are damages including compensation for injuries to feelings, an injunction and a declaration, however the claimant should seek independent legal advice before commencing any claim.

- 8.6. It is a condition of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment so as to be able to transport passengers in wheelchairs at all times. (The licence for a vehicle may be suspended until such time as the Council considers the vehicle is fit for purpose).
- 8.7. Licensed drivers are under a duty to carry a passenger's guide, hearing and other prescribed assistance dog in their vehicles without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided at the drivers expense, from the drivers own GP stating the details of their medical condition. A register will be kept of those drivers exempted.
- 8.8. Persons who breach duties imposed by the Equality Act may be guilty of a criminal offence.
- 8.9. Further information is available from the Equality and Human Rights Commission at [www.equalityhumanrights.com](http://www.equalityhumanrights.com).

## **9. Conditions**

- 9.1. The Council can impose such conditions as it deems necessary in relation to the grant or a renewal of any licence except a hackney carriage driver's licence.
- 9.2. Standard conditions relating to licences are included in the appendices. In addition the Council may impose additional conditions where considered necessary or appropriate in all circumstances.

## **10. Enforcement**

- 10.1. Licensing Enforcement Officers will undertake enforcement activities on behalf of the Council in accordance with the Councils enforcement policy.

## **11. Other Regulatory Regimes**

- 11.1. Other statutory requirements may apply to the provision of any regulated activities provided by a licensed vehicle or at premises, and the responsibility for compliance rests with the licence holder and / or proprietor.

## **12. Decision making**

- 12.1. The powers of the Council will be exercised in accordance with this policy and as delegated through the Council's Constitution.

- 12.2. The Council will make all decisions in relation to licensing matters on their own merits.
- 12.3. The Council will provide reasons for all decisions that it makes.

### **13. Complaints Procedure**

- 13.1. Durham County Council requires high standards of conduct and behaviour from the hackney carriage and private hire trade and expects all licence holders to maintain these standards at all times. However, it is recognised that there may be occasions when members of the public or the trade may make complaints.
- 13.2. Complaints will be dealt with in accordance with the Council's Complaints procedures.
- 13.3. Durham County Council recognises that some complaints can be frivolous, vexatious and repetitious. Such complaints may not be pursued.
- 13.4. Members of the trade will be expected to assist officers when carrying out their investigations.
- 13.5. Following completion of the investigation all parties will normally receive written confirmation of any action taken.
- 13.6. If any party is not satisfied with the outcome of the investigation the Council has a Corporate Complaints Procedure.

### **14. Vehicles**

- 14.1. The Council has discretion over the types of vehicle that it can licence as Hackney Carriage and Private Hire vehicles. In setting the standard vehicle conditions the Council has taken account of passenger needs. Any application for a new vehicle licence will only be considered if it complies with the policy and conditions set out by the Council in Appendix 3 and Appendix 4 of this policy.
- 14.2. Category A and B "write offs" will not be licensed as Hackney Carriage or Private Hire Vehicles

14.3. All vehicles shall have an appropriate 'type approval' which is either:

- a) European Whole Vehicle Type approval
- b) British National Type approval; or
- c) British Single Vehicle Approval (SVA)

This paragraph will specifically apply to special vehicles as identified in Appendix 4.

14.4. From the adoption of this policy all licensed vehicle will be subject to the requirements of paragraph 3.0 of this policy

14.5. Any advertising other than self-promotional information must be approved by the Licensing Team Leader. Examples of the advertising and its proposed placement must be forwarded to the Licensing Team Leader for their consideration and approval.

14.6. Any approved advertising should not conflict with the Licensing Objectives and should comply with the requirements of the Advertising Standards Agency. Advertising in this context does not include such information as the name and contact details that relate to the private hire or Hackney Carriage Company or proprietor that owns or operates the vehicle. Such details are to be regarded as self-promotional information. Self promotional information does not lend itself to any other interests outside the owner or operator's private hire or hackney carriage company.

### **Testing**

14.7. Prior to being licensed all vehicles must have been successfully tested with the preceding six months. All new vehicles must be presented for an inspection at one of the Council's appointed testing stations prior to being licensed, subject to meeting all the requirements of the test a Certificate of Compliance, which lasts for one year, will be issued if the vehicle is to be used on a public highway.

**NB** the Certificate of Compliance exempts a licensed vehicle from requiring an MOT test certificate. However, proprietors must be aware if the vehicle licence is surrendered, suspended, revoked or not renewed the vehicle must have an MOT certificate in place

14.8. Six months from the date of being licensed a vehicle will be required to be presented for a further test.

14.9. Licence holders will receive correspondence from Licensing Services in advance of the expiry of their licence and on receipt must contact the Licensing office to arrange an appointment to submit their renewal application and to arrange a vehicle fitness test, and upon meeting all the requirements of the test a Certificate of Compliance, which lasts for one year, will be issued.

**NB** To ensure the application process is complete before the expiry of the vehicle licence applicants are encouraged to contact the Licensing Services on receipt of their reminder to arrange appointments for both the vehicle test and to submit their renewal application.

14.10. All licensed vehicles over 10 years old will be required to be tested three times each year.

14.11. All tests (and retests where applicable) must be paid for prior to the vehicle being presented.

14.12. Where a vehicle fails its test on three occasions (whether annual, six monthly or re test) the proprietor will be referred to the Councils Licensing Committee.

14.13. Vehicle licence holders who fail to present their vehicles for test will have their vehicle licence suspended unless the appointment has been re scheduled for an earlier date and time.

#### **Window Tints**

14.14. The Council recognises that vehicles may be manufactured with glass that is darker than that specified in the standard vehicle conditions prescribed in this policy. Because of the large costs and inconvenience associated with changing glass the Council will exercise discretion in the case of vehicles manufactured with window tints outside that standard.

#### **Temporary Replacement Vehicles**

14.15. The Council will allow the temporary licensing of vehicles in cases where an existing licensed vehicle suffers mechanical failure or accident damage which results in it having to be taken off the road for a period of time. Temporary replacement vehicles, which will not be subject to colour conditions, may be licensed for a period not exceeding two months.

14.16. If a Licensed vehicle is damaged in an accident or by any other means, the licence holder must report the damage to Licensing Services as soon as reasonably practicable and in any case within 72 hours. An examination will determine whether the vehicle is roadworthy or in need of repair.

An 'Accident Damage Form' will be issued and must be retained in the vehicle. If the vehicle is deemed unfit the licence will be suspended. If the vehicle is not repaired and presented for test within two months from the date of inspection the licence will be revoked. Unless the Authority confirms otherwise, the vehicle may not be used as a hackney carriage or private hire vehicle from the date of first examination until it has been re-examined and passed fit for use. If the vehicle has sustained major damage then the location of the vehicle must be given and it may be inspected by an Authorised Officer

### **Special Vehicles**

- 14.17. The Council may licence a motorised special vehicle as a private hire for the carriage of up to eight passengers provided that such a vehicle has been issued with at least a Single Vehicle Approval (SVA) certificate and that the requirements in these specifications can be satisfied. Only an original SVA certificate will be accepted by the Council as proof of the vehicle satisfying the requirements to obtain that approval.
- 14.18. Prior to any licence being issued a vehicle compliance certificate must be issued by the Council. Where the vehicle is unable to be tested at a Council test centre alternative testing arrangements must be made by the applicant. All costs associated with obtaining the relevant approvals or tests must be met by the vehicle proprietor.
- 14.19. When imported into this country the importer must produce a declaration from the testing authority (DVSA) that the vehicle will never carry more than eight passengers.

### **Exemptions**

- 14.20. Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 allows local authorities to grant exemptions to private hire vehicles from displaying licence plates and other prescribed livery.
- 14.21. The Council has decided that for the purpose of this policy, they consider the use of a higher standard and more luxurious vehicle used exclusively for the purposes of carrying passengers under a written contract (the duration of which must be not less than 60 days) to be the minimum standard for an application not to display a licence plate and other identification livery to be considered.
- 14.22. The Council will not exercise its discretion in granting this exemption for any vehicle which is to be used for any other purpose than as described above.

The booking of a vehicle regardless of its “standard” for the purposes of carrying passengers to special events, airport services, celebrations or nights out not under a written contract (the duration of which must be not less than 60 days) is considered to be routine private hire work and will not satisfy the criteria for consideration of the exemption, for the avoidance of doubt contracts issued by: the NHS, Durham County Council passenger transport team will not satisfy the criteria for exemption.

- 14.23. If the owner of a vehicle wishes to ask the Council to exercise its discretion to exempt the vehicle from displaying a licence plate and other identification livery they must apply to the Council in writing, providing evidence to support the application.
- 14.24. Applicants for an exemption from displaying licence plates and other livery may also apply to be exempt from the Councils colour policy
- 14.25. Applications for exemptions will be determined by the duly authorised officer in consultation with the Chairman or Vice Chairman of the Licensing Committee.
- 14.26. An exemption from displaying a plate and other identification livery is a privilege rather than a right and the benefit of the exemption will be granted at the Councils discretion.

The Council has the power to withdraw the exemption if the related conditions are not complied. Council Officers will periodically check booking records to ensure compliance with the policy.

### **Stretch Limousines**

- 14.27. “Stretched Limousines” Imported Stretched Limousines are normally checked for compliance with British regulations under the Single Vehicle Approval (SVA) inspection regime, before they are registered. The Authority will request sight of the SVA certificate to ensure that the vehicle was tested by DVSA before being registered and licensed (taxed) by DVLA. The DVLA test verifies that the converted vehicle is built to certain safety and environmental standards. Stretched Limousines that clearly have more than eight passenger seats will not be licensed as PHV’s because they are outside the licensing regime for PHV’s.

## **15. Vehicle Insurance**

- 15.1. The proprietors of licensed vehicle must ensure that a valid insurance policy, providing the relevant level of cover, is in place throughout the period a vehicle is licensed. This insurance policy must be in place before a licence can be granted.

- 15.2. Hackney carriages must be insured for public hire purposes. Private hire vehicles must be insured for private hire purposes.
- 15.3. Proof of continuous vehicle insurance must be provided, in a clearly legible form, to Licensing Services by the vehicle proprietor. Proof of continuous insurance should also be produced upon request by an authorised officer of the Council. Where valid insurance is not provided or produced upon request vehicle licences will be suspended.

## 16. Drivers

- 16.1. Only on receipt of a complete application can the Council issue a hackney carriage or private hire driver's licence to an applicant, provided he or she meets the criteria for new drivers as outlined in this policy and is considered to be a fit and proper person.
- 16.2. In determining whether a driver is fit and proper the Council will consider various criteria which will include such things as: the applicant's relevant skills, knowledge, experience, qualifications, medical fitness, criminal record and previous history as a licence holder in accordance with Appendix 1 and Appendix 2.
- 16.3. Applicants intending to operate a wheelchair accessible vehicle must complete a course approved by the Council the course will provide instruction to drivers on the correct procedures for clamping and restraining a wheelchair and other relevant aspects of carrying passengers with a disability. The cost of the training will be met by the applicant. This training must be undertaken by new applicants prior to being licensed.

N.B. Existing drivers who operate wheelchair accessible vehicles and have not undertaken the training, must do so on applying to renew their driver's licence. This must be completed within 6 months of the date of application to renew.

- 16.4. The Council expects all drivers to behave in a civil and orderly manner, be polite, helpful and respectful to members of the public, the Police and Council employees. Failure to do so may result in a referral to the Council's Licensing Committee
- 16.5. Whilst using any licensed vehicle drivers must not engage in any sexual activity with or without their passengers, make inappropriate physical contact or make inappropriate comments of a sexual nature.

16.6. The Council will not normally determine a driver application where there are any outstanding legal proceedings until such proceedings are disposed of, this includes ongoing investigations, pending cases and appeals. The Council will endeavour to refer any application where there are any outstanding legal proceedings to the next available licensing committee

16.7. Following an appearance at committee a direction will be made in any notice of decision as to any future referral to the licensing committee following the outcome of any legal hearing this is to include occasions where an individual is completely exonerated or charges being unsubstantiated.

## **17. Private Hire Operators**

17.1. Only on receipt of a complete application can the Council issue a private hire operator's licence to an applicant, provided he or she meets the criteria outlined in this policy.

17.2. In determining whether an applicant is a fit and proper person the Council will consider the applicant's criminal record and previous history as a licence holder in accordance with Appendix 2 and Appendix 5.

17.3. A private hire operator licence will only be granted to an address within the area administered by Durham County Council.

## **18. Licence Fees**

18.1. The Council will set fees for licences at a level that will recover the costs recoverable under statute, incurred by the Council for issue, administration, control and supervision of that type of licence.

18.2. Where refunds are due to any licence holder or applicant they will be calculated on a pro rata basis and an administration charge deducted

## **19. Hackney Carriage Fares Policy**

19.1. When setting hackney carriage fares the Council will have regard to:

- a) The needs of the travelling public and what it is reasonable to expect people to pay
- b) The need to give the trade sufficient incentive to provide a service at the times when it is demanded

- 19.2. Once a table of fares has been approved by the Council, any request for a review of that table of fares would not normally be considered for a period of at least 12 months.
  
- 19.3. The Council supports the practice of drivers of licensed vehicles requesting advance payment of fares; this does not remove any requirement for the taximeter to be used on such occasions.

## **20. Review**

- 20.1. This policy will be reviewed every five years. However, the Council will make such revisions as it considers appropriate and publish it accordingly.

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# Appendices

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## Appendix 1: Drivers

An application for a driver licence must be made on the specified form.

Drivers' licences will only be granted subject to proof of eligibility and all other application criteria being met.

Drivers' licences will only be renewed subject to all application criteria being met and consideration of the applicants continuing suitability.

A licence, when granted, will be valid for a period of three years, (or less as the Council may decide is necessary in certain circumstances).

Upon grant a driver will be issued two identification cards (badges) these must both be displayed at all times when the driver is available for hire or carrying passengers. One "badge" must be worn on the body of the driver the other being displayed in a prominent place in the vehicle and easily seen by any passenger.

### 1. Eligibility

The Council will, in considering whether an applicant is a fit and proper person to hold a driver licence require the applicant to meet the criteria set out below.

#### a) Qualification

The applicant will be required to provide proof that they have held a full UK drivers licence, or equivalent, for a period of not less than 12 months prior to the application being submitted. A full DVLA driving licence showing the applicants current address must be produced.

#### b) Driving Assessment

The applicant will be required to provide evidence that they have passed a suitable and satisfactory driver assessment test designed to assess the driving competency of hackney carriage and private hire drivers. Driving assessment tests and providers shall be subject to Council vetting and approval.

The suitability and satisfactory nature of taxi driver assessment tests and of assessment providers shall be determined by the Council in accordance with current guidance issued by DCC. Approval of assessment providers shall also be subject to current guidance issued by DCC.

#### c) Driver Knowledge and Locality Tests

Applicants for both private hire and hackney carriage driver licences will be required to undertake both the Council's knowledge and locality tests. The knowledge test will include a section on basic numeracy.

**d) Medical Fitness**

Applicants are required to provide evidence, in the form of a prescribed certificate, available from the Council, signed by a medical practitioner with access to the applicant's medical records, stating that the applicant satisfies all the requirements of the DVLA Group II medical standards of fitness to drive. All costs associated with obtaining the medical certificate are to be met by the applicant.

**e) CSE Awareness**

Applicants will be required to attend a Child Sexual Exploitation (CSE) awareness training course.

NB By 1st September 2016 all existing drivers must have attended a CSE awareness training course.

**f) Suitability**

The Council must be satisfied that an applicant is a fit and proper person to hold a driver licence. Applicants must undergo a Driver Vehicle Licensing Agency (DVLA) check and a Disclosure & Barring Service (DBS) check. Applicants will also be required to subscribe to the DBS update service.

Applicants from outside the United Kingdom must obtain a certificate of good conduct from the relevant Embassy or Consulate.

The Council requires all applicants who have resided in the country for less than five years to obtain a DBS or equivalent and a Certificate of Good Conduct from their relevant Embassy or Consulate which must be authenticated, translated and sealed by the Embassy or Consulate. Any expenses incurred must be met by the applicant.

Additional information will be considered as appropriate.

## **2. Continuing Suitability / Renewal Process**

The ongoing suitability of a licence holder will be monitored. In addition, the following specific checks will be carried out upon renewal, or at any other time deemed necessary by the Council:

- a) Annual DVLA check
- b) DBS update service
- c) Notification of Convictions/Cautions/Arrest/Ongoing or Pending prosecutions or investigations etc. this is to include motoring fixed penalties and antisocial behavior notices and attendance of any speed awareness courses.
- d) Checks carried out as a result of information or intelligence received by Licensing Services.
- e) Periodic medical examination
- f) (Where appropriate) CSE awareness training

**NB** From the adoption of this policy existing licensed drivers will be required to undergo a DBS check no later than one year from their most recent check, they must then subscribe to the update service, failure to do so will result in the suspension of the licence.

(A valid medical certificate, together with any supporting documents which show the DVLA Group II standard is met, such as: exercise test reports, must be produced at the following times):

- a) Upon initial application
- b) With the first renewal following their 45th birthday
- c) Every fifth year after the 45th birthday
- d) On their 65th birthday and then annually
- e) At the request of Licensing Services

**NB** Under no circumstances will a licence be issued until such time as all required checks are completed and supporting paperwork produced to licensing staff.

At each renewal the DVLA driving licence photographic card must be produced, this must be valid and must bear the correct address for the applicant; failure to produce this will result in the application not being processed.

Licence holders will receive a reminder letter in advance of the expiry of their licence and must telephone the Licensing office to arrange a suitable appointment to submit a complete renewal application.

To avoid delays, Applicants are encouraged to contact Licensing Services at least 10 working days prior to the expiry.

### **3. Standard Conditions of a Private Hire Driver Licence**

The licensed driver shall:

- a) Notify the Council as soon as possible, and also confirm in writing within seven days, of any alteration to their circumstances or material particulars including but not limited to:
  - (i) Change of address
  - (ii) Change of name
  - (iii) Change of office from which they operate
  - (iv) Being arrested/bailed/charged with/convicted of or otherwise investigated in connection with any criminal or motoring offence
  - (v) Accepting a fixed penalty notice or caution, or receiving a Criminal Behaviour Order (CBO), attendance at any speed awareness course

- (vi) Injury sustained or illness that may alter their medical status in line with DVLA Group II standards or affect their driving ability
- (vii) Details of any motoring fixed penalty endorsements received
- b) Notify the Council as soon as possible, and also confirm in writing within 72 hours, of any traffic accident they are involved in whilst driving a licensed vehicle.
- c) Provide a DBS disclosure upon request.
- d) Provide a copy of their DVLA driving licence or equivalent upon reasonable request.
- e) Produce a valid medical certificate, upon request (Failure to do so will result in the licence being suspended)
- f) Behave in a professional manner at all times when working.
- g) Keep their vehicles clean and suitable for use by members of the public at all times.
- h) Where necessary, assist passengers into and out of vehicles.
- i) Offer passengers reasonable assistance with luggage.
- j) Bring to the attention of passengers any dangers associated with egress from the vehicle. Ensure that the manner in which they carry out their business is such that no disturbance is caused to other road users, businesses and local residents.
- k) Behave in a civil and orderly manner and be polite, helpful and respectful to members of the public, the Police and Council employees. Failure to do so may result in a referral to the Council's Licensing Committee.
- l) Not tamper with, or permit any person to tamper with, any taximeter or its fittings.
- m) Display the identification badges issued to them in the manner prescribed within this policy.
- n) Report the loss of their private hire driver identification badge to the Council immediately.
- o) Ensure that they charge passengers only the fare previously agreed between the operator and passenger, if a taximeter is used only the fare displayed on the taxi meter at the end of the journey can be charged, unless a lower fare is previously agreed with the passenger.
- p) Provide a receipt to a passenger upon request, the receipt shall include:
  - (i) The fare
  - (ii) Pick up location
  - (iii) Destination
  - (iv) Operator Name
  - (v) Driver/Vehicle number
  - (vi) Date
  - (vii) Time

## **Appendix 2: Determination of Applications for Driver and Operator Licences**

### **1. Guidelines on the relevance of arrest, conviction, caution or any other relevant information including complaints and intelligence**

Licence holders and Applicants for driver and operator licences are required to disclose all convictions, fixed penalty notices and cautions, including those that would in other circumstances be regarded as spent under the Rehabilitation of Offenders Act 1974.

Licence holders and applicants must also disclose details of any ongoing investigations and any pending prosecutions. This is to include any arrest and subsequent bail where charges have not been laid.

Where an ongoing investigation or pending prosecution is disclosed the Council will not determine an application until such time as it has been finally disposed of.

The disclosure of a criminal record or other information will normally prevent an applicant from obtaining a licence until such time, in accordance with the following paragraphs, has elapsed since the conviction.

In making its decision the Council will consider the relevance of any offence, the seriousness of the offence, the length of time since the offence occurred and any pattern of offending behaviour or other complaints.

The Council considers all offences to be relevant offences when considering the suitability of a person to hold or retain a licence.

The following types of offence will be viewed as serious (in no particular order):

- a) Dishonesty
- b) Violence (including Criminal Damage & Sexual Offences)
- c) Alcohol Related Offences
- d) Public Order Offences
- e) Motoring Offences
- f) Possession of or Possession with the Intent to Supply controlled substances
- g) Obscenity (which includes the possession, making or distribution of unlawful obscene images / materials on computer or the internet)
- h) Racially or Religiously aggravated offences
- i) Offences involving Indecency or other offences of a Sexual Nature
- j) Contravention of Licensing Laws or Conditions

- k) Disqualification from driving a motor vehicle at any time in the three years prior to applying for a licence
- l) Offences involving animal cruelty
- m) Criminal Behaviour Orders

## 2. Application for a Drivers / Operators Licence following a conviction / caution

If an applicant has been convicted of a criminal or motoring offence within the time periods specified below the Council will normally refuse an application:

### Minor traffic offences

Where two or more convictions for the following offences within any one year period are disclosed an application will normally be refused until one year from the date of the most recent conviction has elapsed.

Minor traffic offences would include:

- CU80** Using a mobile phone while driving a motor vehicle
  
- MS10** Leaving a vehicle in a dangerous position
- MS20** Unlawful pillion riding
- MS30** Play street offences
- MS60** Offences not covered by other codes
- MS70** Driving with uncorrected defective eyesight
- MS80** Refusing to submit to an eyesight test
- MS90** Failure to give information as to identity of driver etc
  
- MW10** Contravention of Special Road Regulations (excluding speed limits)
  
- PC10** Undefined contravention of pedestrian crossing regulations
- PC20** Contravention of pedestrian crossing regulations with moving vehicle
- PC30** Contravention of pedestrian crossing regulations with stationary vehicle
  
- SP10** Exceeding goods vehicle speed limits
- SP20** Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30** Exceeding statutory speed limit on a public road
- SP40** Exceeding passenger vehicle speed limit
- SP50** Exceeding speed limit on a motorway
  
- TS10** Failing to comply with traffic light signals
- TS20** Failing to comply with double white lines
- TS30** Failing to comply with a Stop sign
- TS40** Failing to comply with direction of a constable or traffic warden
- TS50** Failing to comply with traffic sign (excluding Stop sign, traffic lights or

- double white lines)
- TS60** Failing to comply with school crossing patrol sign
- TS70** Undefined failure to comply with a traffic direction sign

- Aiding, abetting, counseling or procuring any of the above offences
- Inciting any of the above offences
- Or similar offences or offences which replace the above offences

### **Major traffic offences**

Where a conviction for one or more of the following offences is disclosed, an application will normally be refused until two years from the date of the most recent conviction has elapsed.

In cases resulting in a period of disqualification an application will be refused unless three years from the date of the most recent conviction has elapsed.

Major traffic offences would include:

- AC10** Failing to stop after an accident
- AC20** Failing to give particulars or to report an accident within 24 hours
- AC30** Undefined accident offences
  
- BA10** Driving while disqualified by order of Court
- BA30** Attempting to drive while disqualified by order of Court
  
- CD10** Driving without due care and attention
- CD20** Driving without reasonable consideration for other road users
- CD30** Driving without due care and attention or without reasonable consideration for other road users
  
- CU10** Using a vehicle with defective brakes
- CU20** Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30** Using a vehicle with defective tyre(s)
- CU40** Using a vehicle with defective steering
- CU50** Causing or likely to cause danger by reason of load or passengers
  
- DD10** Causing serious injury by dangerous driving
- DD40** Dangerous driving
- DD60** Manslaughter or culpable homicide while driving a vehicle
- DD90** Furious driving
  
- DR10** Driving or attempting to drive with alcohol level above limit
- DR20** Driving or attempting to drive while unfit through drink
- DR30** Driving or attempting to drive then failing to supply a specimen for

- analysis
- DR31** Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
- DR40** In charge of a vehicle while alcohol level above limit
- DR 50** In charge of a vehicle while unfit through drink
- DR60** Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR61** Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive
- DR70** Failing to provide specimen for breath test
- DR80** Driving or attempting to drive while unfit through drugs
- DR90** In charge of a vehicle when unfit through drugs
- IN10** Using a vehicle uninsured against third party risks
- LC20** Driving otherwise than in accordance with a licence
- LC30** Driving after making a false declaration about fitness when applying for a licence
- LC40** Driving a vehicle having failed to notify a disability
- LC50** Driving after a licence has been revoked or refused on medical grounds
- MS50** Motor racing on the highway
- TT99** To signify disqualification under totting-up procedure. If the total of penalty points reached 12 or more within 3 years, the driver is liable to be disqualified
- UT50** Aggravated taking of a vehicle
- Aiding, abetting, counseling or procuring any of the above offences
  - Causing or permitting any of the above offences
  - Inciting any of the above offences
  - Or similar offences or offences which replace the above offences

An application will normally be refused following a conviction for:

- CD40** Causing death through careless driving when unfit through drink
- CD50** Causing death through careless driving when unfit through drugs
- CD60** Causing death by careless driving with alcohol level above the limit
- CD70** Causing death by careless driving then failing to supply a specimen for analysis
- CD80** Causing death by careless, or inconsiderate driving
- CD90** Causing death by driving: unlicensed, disqualified or uninsured drivers
- DD80** Causing death by dangerous driving

**Town Police Clauses Act 1847, Part Two of the Local Government (Miscellaneous Provisions) Act 1976 & Criminal Justice & Public Order Act 1994**

An application will normally be refused where:

- a) Less than one year has elapsed where there is one conviction
- b) Less than two years have elapsed since the date of the most recent conviction where there is more than one conviction
- c) Less than five years has elapsed since a licence has been revoked by any Council

**Offences involving the possession drugs**

An application will normally be refused where:

- a) Less than one year has elapsed since the date of the conviction where there is one conviction
- b) Less than three years have elapsed since the date of the most recent conviction where there is more than one conviction

**Offences involving the possession drugs with the intent to supply**

An application will normally be refused where:

- a) Less than five years has elapsed where there is one conviction
- b) An application will be refused where there is more than one conviction

**Indecency and sexual offences**

An application will normally be refused where:

- a) There is a conviction for any sexual or indecency offence, including the possession of images.

**Soliciting**

An application will be refused where:

- a) Less than one year has elapsed since the date of the conviction where there is one conviction
- b) Less than two years have elapsed since the date of the most recent conviction where there is more than one conviction

Where a person declares they are on, or have been, on the sex offenders register an application will be refused.

**Violence**

An application will be refused following a conviction for:

- a) Murder
- b) Manslaughter
- c) Or similar offences or offences which replace the above offences

An application will normally be refused unless five years has elapsed since the date of a conviction for any of the following offences:

- a) Assault occasioning actual bodily harm
- b) Racially aggravated common assault
- c) Common assault
- d) Harassment (Protection from Harassment Act 1997)
- e) Battery
- f) Affray
- g) s.2 Protection from Harassment Act 1997 offence
- h) s.2 Public Order Act 1986 (violent disorder)
- i) s.4 Public Order Act 1986 (fear of provocation of violence)
- j) s.4A Public Order Act 1986 (intentional harassment, alarm or distress)
- k) s.5 Public Order Act 1986 (harassment, alarm or distress)
- l) Riot
- m) Obstruction
- n) Criminal damage
- o) Violent disorder
- p) Resisting arrest
- q) Or similar offences or offences which replace the above offences

An application will normally be refused unless ten years has elapsed since the date of a conviction for any of the following offences:

- a) Arson
- b) Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- c) Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- d) Grievous bodily harm with intent (s.18 Offences Against the Person Act)
- e) Grievous bodily harm (s.20 Offences Against the Person Act)
- f) Robbery
- g) Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- h) Racially-aggravated s.4 Public Order Act 1986 (fear of provocation of violence)
- i) Racially-aggravated s.4A Public Order Act 1986 (intentional harassment, alarm or distress)
- j) Racially-aggravated s.5 Public Order Act 1986 (harassment, alarm or distress)
- k) Racially-aggravated s.2 Protection from Harassment Act 1997 (harassment)

- l) Racially-aggravated s.2 Protection from Harassment Act 1997 (putting people in fear of violence)
- m) Assault on Police
- n) Possession of offensive weapon
- o) Possession of firearm
- p) Or similar offences or offences which replace the above offences

### **Dishonesty offences**

An application will normally be refused unless 3 years has elapsed since the date of a conviction for any of the following offences:

- a) Theft
- b) Burglary
- c) Fraud
- d) Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- e) Handling or receiving stolen goods
- f) Forgery
- g) Conspiracy to defraud
- h) Obtaining money or property by deception
- i) Other deception
- j) Failing to declare convictions etc. on application
- k) Or similar offences or offences which replace the above offences

### **3. Other Relevant Factors**

The Council may take into account any other matter or matters that may affect whether an applicant is a fit and proper person, such factors include but are not limited to:

- a) Convictions/Cautions for any other offence not listed above
- b) Any diversion scheme offered as an alternative to conviction (i.e. “checkpoint” or restorative approach)
- c) Mental Health Act Orders
- d) Inclusion on any register maintained for the purposes of safeguarding the public
- e) Police intelligence/information
- f) Drug/Alcohol use and Detoxification
- g) Other relevant information disclosed
- h) Any complaints or the accumulation of complaints regarding a licence holders conduct
- i) Matters contrary to the requirements of this policy

**Failure to disclose all arrest/bail/convictions, fixed penalty notices, cautions, and ongoing investigations and/or pending prosecutions may affect the grant of a licence**

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## **Appendix 3: Vehicle Licences**

An application for a vehicle licence must be made on the specified form.

Vehicle licences will only be granted subject to all application criteria being met and will be valid for a period of one year.

The following conditions will apply to all vehicles (Hackney Carriage and Private Hire) licensed by the Council.

### **1. Standard Conditions**

- 1.1. The vehicle shall be right-hand drive and the body must be a fixed head type (hard top).
- 1.2. Notwithstanding condition 1.5 (below) the vehicle will only be licensed to carry the number of passengers specified on the V5 registration document.
- 1.3. The design condition or appearance of a licensed vehicle must not be changed without first obtaining written consent from the Council any changes may require an additional vehicle inspection to be carried out.
- 1.4. Where the seats are placed facing each other there must be a clear space of 38cm subject to a 2cm tolerance between any part of the front of a seat and any part of any other seat that faces it.
- 1.5. Occasional (tip-up) seats must be arranged to rise automatically when not in use.
- 1.6. A fully operational heating and ventilation system must be fitted and maintained for the driver and passengers. All body parts and trimmings must be fitted and maintained in good working order both internally and externally.
- 1.7. Journeys must not be commenced using temporary tyres or tyres that have been subject to a temporary repair.
- 1.8. Reasonable efforts should be made that in the event of mechanical failure a passenger's journey can be completed in a safe and reasonable manner in an alternative licensed vehicle.
- 1.9. The vehicle licence plate must be displayed and securely attached with bolts or screws on the outside rear of the vehicle. (attachment by adhesive tape and/or magnets is not acceptable)

The plate remains the property of the Council and must be returned upon expiry, surrender or suspension of the vehicle licence.

- 1.10. The vehicle must display the internal plate, internal driver I.D. door crests and complaint information stickers, as supplied and required by the Council, at all times. The door crests shall be fixed to the front nearside and offside doors of the vehicle in a central position (attachment by magnets is not acceptable). All vehicles must display no smoking signs as required by law.
- 1.11. Advertising may be displayed inside the vehicle and on the rear doors, panels and boot, subject to an application being made by the vehicle proprietor and subsequently approved by the Council. It should not obscure the Council signage or vehicle top sign.
- 1.12. All vehicles shall undergo an inspection by the Council's appointed testing station(s) six months from grant or as required.
- 1.13. Vehicle proprietors must inform the Council at the earliest opportunity, and in writing within 72 hours, if any licensed vehicle has been involved in an accident or sustained damage.
- 1.14. No fittings, devices or lights may be attached or carried inside or outside the vehicle that could injure or harm any passenger or other person either inside or outside of the vehicle. No lights or other fittings shall be permitted on the vehicle that would obscure any licence plates or obscure the driver's or passengers' view out of the vehicle.
- 1.15. Vehicle proprietors shall notify the Council in writing within seven days of any change of address.
- 1.16. CCTV shall be permitted in vehicles. Where such devices are fitted within the vehicle conditions at Appendix 9 shall apply
- 1.17. No animals other than those owned by fare paying passengers shall be carried in or on any licensed vehicle whilst the vehicle is so engaged under the terms of its licence.
- 1.18. Window tints shall comply with the following:
  - a) The front windscreen shall allow 75% of light to be transmitted through
  - b) The front side windows shall allow at least 70% of light to be transmitted through them
  - c) Other windows shall allow at least 70% of light to be transmitted through them.

- 1.19. If carrying a child the driver **MUST** ask a responsible adult if they would like the child locks activated. The child locks must not be activated in any other circumstances

**NB** Under no circumstances must any passenger be locked in a licensed vehicle against their will.

- 1.20. The vehicle must carry a suitable fire extinguisher sited in a readily accessible place known to the driver. The appliance shall have a minimum content of 1 kilogram, conform to BSEN3 1996 and be of the dry powder or foam type, be kept in good condition and be fitted with a gauge which indicates the condition of its contents. Every fire extinguisher to be permanently marked with the vehicle's hackney carriage or private hire vehicle licence number.

- 1.21. The vehicle must carry a "first aid" kit which must contain:

- A leaflet giving general advice on first aid, for example HSE
- basic advice on first aid at work
- 20 individually wrapped sterile plasters
- 2 sterile eye pads
- 4 individually wrapped triangular bandages
- 6 safety pins
- 2 large and 6 medium sized, individually wrapped sterile unmedicated wound dressings
- 2 pairs of disposable gloves

**NB** The first aid kit to be permanently marked with the vehicle's hackney carriage or private hire vehicle licence number.

- 1.22. The vehicle must be able to carry a reasonable amount of luggage which must be able to be stored securely. Where a vehicle is fitted with a removable parcel shelf it must remain in place when carrying luggage. The luggage compartment or any attached roof rack/box must be free from the proprietors or drivers personal property so it is available to store passenger's luggage. Luggage should be stored securely and not stored in such a way as to hinder access to a door.

- 1.23. There must be at least four doors. All doors must be capable of being opened from the inside.

- 1.24. The interior of the passenger compartment must be maintained in a clean condition and in good repair and where fitted any parcel shelf shall remain in place at all times.

- 1.25. The flooring of the passenger compartment must be covered with a non-slip material.

- 1.26. If a trailer is to be used a trailer plate, issued by the Council, must be displayed on the trailer.
- 1.27. If a roof carrier is to be used for luggage or goods it must be of a type fitted to the guttering or to the roof rails provided by the manufacturer and must not obscure any top sign.
- 1.28. All vehicles must carry within, a vehicle check book which must be dated and signed by the driver to the effect that they have taken reasonable steps to ensure that the vehicle they are driving is roadworthy and complies with this policy. The book must record the mileage at the time the check is carried out.
- 1.29. No licensed vehicle may be used for the unaccompanied carriage, for the delivery of alcohol or any tobacco products.

## **2. Hackney Carriage Vehicles**

In addition to the standard conditions, the following conditions will apply to Hackney Carriage vehicles.

- 2.1. Only white vehicles will be licensed as Hackney Carriage Vehicles. (Vehicles licensed before 1 April 2011 are exempt from this colour condition, however such vehicles may only be replaced by white vehicles)
- 2.2. An illuminated taximeter must be fitted in a position where it is not obstructed by other fixtures or fittings within the vehicle and in a place where it is clearly visible to all passengers carried in the vehicle.
- 2.3. The taximeter shall be securely fitted, maintained in full working order, sealed and calibrated by an approved agent within the Council's approved hackney carriage fare scale and shall not be tampered with. (Licensing services hold a list of approved agents)
- 2.4. A current fare table must be displayed in a position that is clearly visible in the passenger compartment.
- 2.5. Display a roof sign, this sign must include the word TAXI and must be clearly illuminated (during both daylight and at night time) when the vehicle is available for hire. An exception to this condition will be afforded to purpose built taxi vehicles bearing a pre fitted sign.
- 2.6. Display a "for hire" sign in the front passenger side of the windscreen that is illuminated when the vehicle is available for hire. An exception to this being purpose built vehicles where the 'for hire' sign is pre fitted.

### **3. Private Hire Vehicles**

In addition to the standard conditions, the following conditions will apply to Private Hire vehicles.

- 3.1. Private hire vehicles may be any colour other than white or a colour that could be mistaken for white, for example cream or ivory.
- 3.2. Any taximeter fitted in a private hire vehicle must be fitted in a position where it is not obstructed by other fixtures or fittings within the vehicle and in a place where it is clearly visible to all passengers carried in the vehicle.
- 3.3. Any taximeter fitted to a private hire vehicle shall be securely fitted, maintained in full working order and table of fares must be displayed in a position that is clearly visible in the passenger compartment displayed in the vehicle.
- 3.4. The words "taxi", "cab", "for hire" or anything that may suggest that the vehicle is a Hackney Carriage must not be displayed on any part of any private hire vehicle.
- 3.5. An operator consent form must be completed by the vehicle proprietor and operator on grant or renewal of the vehicle licence. An operator consent form must also be completed when there is a change in operator during the life of the licence.

### **4. Wheelchair Accessible Vehicles**

In addition to the standard conditions and those applying to hackney carriage and private hire vehicles, further conditions apply to wheelchair accessible vehicles as set out in this section. Where the conditions for wheelchair accessible vehicles conflict with the standard conditions; the wheelchair accessible vehicles conditions will apply.

- 4.1. The vehicle must have a designated space to accommodate at least one wheelchair user. This space will be included in the total number of persons permitted to be carried.
- 4.2. Either the rear or a nearside door must be used for wheelchair access. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 780mm (30<sup>3</sup>/<sub>4</sub>" ). The minimum angle of the door when opened must be 90 degrees (the minimum angle will not be relevant in the case of a sliding door).
- 4.3. The floor to ceiling height where the disabled passenger will sit must be a minimum of 1350mm (54<sup>3</sup>/<sub>4</sub>" ).

- 4.4. All wheelchairs must be carried facing forwards or rearwards. Where a wheelchair is carried facing the rear of the vehicle, the wheelchair, in addition to standard restraints must be positioned such that it is reversed against a bulkhead to provide further stability.
- 4.5. Facilities for the loading of a wheelchair and occupant must be available at all times for use at the nearside or rear passenger doors. This ramp must comply with all Equality Act recommendations as to design and installation.
- 4.6. An adequate locating device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed and secured safely when not in use. The storage of the ramp when not in use must not impede access or egress of passengers. Ramps must be rigid when in use. There must be a slip resistant surface on the ramp with outer edges coloured.
- 4.7. Suitable anchorages must be provided for the wheelchair. Restraints for the wheelchair and occupant must be independent of each other. Belts attached to a wheelchair, in order to assist a person to remain in it whilst travelling, will not be acceptable.
- 4.8. Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment.
- 4.9. All anchorages and restraints must not cause danger to any passenger.
- 4.10. The provision of a step for assisted entry is required. The step must be covered with a slip resistant surface.

## **Appendix 4: Special Vehicle Licence Conditions**

### **1. Standard Conditions for Special Vehicles**

In addition to the standard conditions, the following extra conditions apply to special vehicles. Where the conditions for special vehicles conflict with the standard conditions, the conditions for special vehicles will apply

- 1.1. Forward and rear facing seats must be fitted with a 3-point, inertia reel seatbelt.
- 1.2. Efforts must be in place to ensure that: in the event of mechanical failure, the passenger's journey can be completed in a safe and reasonable manner.
- 1.3. The Council will require the vehicle to undertake a MOT test Twice yearly

### **2. Conditions for Stretch Vehicles**

In addition to the standard conditions and conditions for special vehicles, the following extra conditions apply to stretch vehicles- Where the conditions for stretch vehicles conflict with the standard conditions or conditions for special vehicles, the conditions for stretch vehicles will apply

- 2.1. The maximum length of the vehicle "stretch" must not exceed 3048mm. Each passenger seating area must be at least 400mm wide with a flat area in front of each seat of 300mm x 300mm.
- 2.2. The vehicle must be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres must be of an approved rating as specified by the manufacturer, meet legal requirements and have a minimum tread depth of 2mm.
- 2.3. The vehicle is not used in any contract or provision for carrying school children or any unaccompanied children under the age of 18 years (the driver may not act as an accompanying adult)
- 2.4. The Council's exemption disc will at all times be displayed on the front windscreen.
- 2.5. The private hire vehicle licence plate must be securely fixed in a visible position inside the luggage compartment.

- 2.6. The vehicle's Exemption Certificate/Notice must be carried in the vehicle at all times and produced on request to any Police Officer or Authorised Officer of the Council.
- 2.7. The driver of such vehicles must wear a shirt and tie.

### **3. Licence Conditions for Horse-Drawn Vehicles**

In addition to the standard conditions for special vehicles, extra conditions apply to horse-drawn vehicles as set out in this section. Where the conditions for horse-drawn vehicles conflict with the standard conditions, the following extra conditions will apply:

- 3.1. The driver must ensure every part of the harness of the animal or animals drawing the carriage is kept in order, so that the animal or animals are properly and securely attached to the carriage and under control.
- 3.2. The driver must not feed or allow any animal harnessed or otherwise attached to a carriage to be fed, except with food contained in a proper bag or other receptacle
- 3.3. Proprietors must arrange for animals to be checked at least annually, and at any other time at the request of the Council, by an approved veterinary surgeon. The licensee shall meet any costs involved. Where an animal is found to be unfit its use in the operation of a hackney carriage shall be discontinued until such time as a certificate of fitness signed by the veterinary surgeon is produced to the Council's authorised officer.
- 3.4. Proprietors must arrange for testing of the carriage on an annual basis and at the request of the Council.

### **4. Other Vehicles**

- 4.1. Consideration may be given to alternative forms of transport being licensed; however the Council will expect applications to be accompanied by information regarding the safety of the proposed operation, any proposed routes and pick up points, times and area of operation, details of the vehicle(s) and public liability insurance.
- 4.2. Vehicles must be fitted with seatbelts that meet BSI standards.
- 4.3. The Council will undertake consultation with anybody it considers appropriate with such an application and may attach such conditions as it thinks reasonable and proportionate. These may include conditions not applied to conventional hackney carriage or private hire vehicles.

## Appendix 5: Private Hire Operator

An application for a private hire operator licence must be made on the specified form. Private hire operator licences will be issued subject to proof of eligibility.

A licence will be valid for a period of five years (or less as the Council may decide is necessary in certain circumstances) subject to continuing suitability. It may be renewed following approval of a valid renewal application.

Operators will receive a correspondence in advance of the expiry of their licence and on receipt must telephone the Licensing office to arrange a suitable appointment to submit their renewal application.

To avoid delays, Applicants are encouraged to contact the Licensing Services at least 10 working days prior to the expiry.

### 1. Standard Conditions

The operator's licence will be subject to the following conditions:

- 1.1. Operators must keep legible, hand written or computerised records of each booking. Records must include
  - a) The date and time of the booking and if different the time and date of the
  - b) proposed journey
  - c) The name and address or telephone number of the hirer
  - d) The agreed time and place of the proposed pick up
  - e) The destination including address or street name
  - f) The name of the driver
  - g) The licence number of the vehicle allocated for the booking.
  - h) Any agreed fare
  
- 1.2. The operator shall keep legible, hand-written or computerised records of the particulars of all Private Hire vehicles operated by him which shall include:
  - a) Vehicle make, model and colour
  - b) Vehicle registration mark
  - c) Number of passenger seats
  - d) The vehicle licence number
  - e) The company call-sign for the vehicle
  - f) The vehicle proprietor's name and address
  - g) Insurance particulars of all vehicles working on behalf of the operator
  - h) The date the vehicle was added to the operator's fleet
  - i) The date the vehicle was withdrawn from the operator's fleet

- j) Name and address of the owner
  - k) Name, address and the licence number of drivers of such vehicles
- 1.3. The operator shall keep legible, hand-written or computerised records of the particulars of all drivers employed or otherwise engaged by him which shall include:
- a) The name and address of the driver and any change of address of a driver during the course of his service with the operator
  - b) The name, address and company call-sign assigned to the driver
  - c) The date the driver commences working for the operator
  - d) The date the driver ceases working for the operator
- 1.4. The operator shall permit an authorised officer of the Council or a Police officer access to records required by their licence at all reasonable times.
- 1.5. The operator shall retain from every licensed driver employed or otherwise engaged by him, a copy of that driver's licence, and shall retain it for the period of such employment or engagement. The operator shall record the overall period or periods, during which, such employment or engagement continues.
- 1.6. The operator shall retain a copy of all vehicle licences in respect of vehicles used in his business.
- 1.7. The operator shall ensure that the vehicle fulfils bookings at the appointed time and place unless delayed or prevented by some justifiable cause.
- 1.8. If provision is made by the operator for the reception of members of the public proposing to hire a vehicle, adequate arrangements shall be made for the seating of customers and it is recommended that toilet facilities within the premises be provided for public use.
- 1.9. Where the premises are open to the public the operator shall provide a copy of the public liability insurance to the Licensing Authority public.
- 1.10. Behave in a civil and orderly manner and be polite, helpful and respectful to passengers and Council employees, failure to behave in such a manner may result in a referral to the Council's Licensing Sub Committee.
- 1.11. Notify the Council as soon as possible, and also confirm in writing within seven days, of any alteration to their circumstances or material particulars including but not limited to:
- a) Change of address.
  - b) Change of name
  - c) Change of office from which they operate.

- d) Being arrested/bailed/charged with/convicted of or otherwise investigated in connection with any criminal or motoring offence.
- e) Accepting a fixed penalty notice or caution, or receiving an Antisocial Behaviour Order (ASBO), attendance at any speed awareness course.
- f) Injury sustained or illness that may alter their medical status in line with DVLA Group II standards or affect their driving ability.
- g) Details of any motoring fixed penalty endorsements received.

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## Appendix 6: Glossary

1. **“Hackney Carriage Vehicle”** means a vehicle licensed to carry passengers for hire or reward. It can be hailed by a prospective customer, wait on the rank and “ply for hire” where no other restrictions exist that would prevent them doing so.
2. **“Private Hire Vehicle”** means a vehicle constructed or adapted to seat fewer than nine passengers, other than a Hackney Carriage or public service vehicle, which is licensed to be provided for hire with the services of a driver for the purpose of carrying passengers. Private hire vehicles may only be pre booked through a licensed private hire operator.
3. **“Private Hire Operator”** means a person licensed to make provision for the invitation or acceptance of bookings for private hire vehicles.
4. **“Limousine”** means a vehicle which has an engine capacity of 2800 c.c. or more, produced by a manufacturer as a luxury/high end vehicle. It will generally be obvious that a vehicle has been produced for this purpose and it will have a selection of extras that one would expect to be fitted. If doubt/contention exists then the final arbiter shall be the manufacturer. Seating arrangements will consist of forward and/or rear facing seats only.
5. **“Integrated Transport System”** means complete / total transport is available.
6. **“Licensing Committee”** means elected Members appointed to consider circumstances and make decisions in accordance with the Council’s constitution.
7. **“The Council”** means the Authority responsible for the administration and regulation of taxi legislation and regulation.
8. **“DVSA”** means Driver and Vehicle Standards Agency.
9. **“Livery”** means a distinctive pattern or design on a vehicle providing identification, for instance door crests / Council signage.
10. **“Enforcement Policies”** mean specific details of regulatory non-compliance and the action taken to deal with non-compliance.
11. **“Licensing Authorities Constitution”** means the body of fundamental principles or established precedents by which the organisation is governed.

12. **“Stakeholder”** means a person with an interest or concern in something.
13. **“Driver Proficiency Test”** means drivers expert test as laid down by The Driver and Vehicle Standards Agency (DVSA) for taxi drivers.
14. **“DBS”** means the Disclosure and Barring Service, an executive agency of the Home Office that provides access to criminal record and other relevant information to organisations in England and Wales and who carries out checks forming a disclosure.
15. **“Certificate of Good Conduct”** means a certificate of good conduct relating to a Police records check. For example, if an applicant has lived abroad, on their return to the UK, a licensing application may need confirmation that the applicant has no criminal record. This certificate will suffice the requirement.
16. **“DVLA Check”** means a standard check with the Driver and Vehicle Licensing Agency revealing penalty points or traffic related convictions.
17. **“Department for Transport”** means the central government ministry which provides leadership across the Transport Sector to achieve its objectives, working with regional, local and private sector partners to deliver many of the services.
18. **“Relevance of Convictions”** means convictions that may be taken into consideration when assessing matters.
19. **“Relevant Offences”** mean criminal matters of a nature that may be taken into account when applications are being assessed.
20. **“Inertia Reel Seatbelt”** means a reel that allows a vehicle seat belt to unwind freely but which locks under force of impact or rapid deceleration.
21. **“MOT”** means the Ministry of Transport Test which is an annual test of older vehicle safety and road worthiness. MOT test certificates are currently issued by the Driver and Vehicle Standards Agency (DVSA) an agency within the Department for Transport.
22. **“LPG”** means Liquefied Petroleum Gas.
23. **“Certificate of Compliance”** means a certificate confirming that a licensed vehicle has passed the Council's vehicle test. A certificate of compliance acts in lieu of a MOT certificate whilst the vehicle remains licensed, should a vehicle be suspended for any reason an MOT certificate must be in place before the vehicle can be used for social, domestic and pleasure purposes.

24. “**Taximeter**” means a mechanical or electronic device installed in licensed vehicles that calculates passenger fares based on a combination of distance travelled and waiting time.
25. “**Vehicle Compliance Pass Certificate**” means the Council’s compliance test confirming the vehicle meets the standards required by the Local Authority.
26. “**Appointed Testing Station**” means an appointed garage where the vehicle tests are carried out.
27. “**Vehicle Exemption Certificate Notice**” means a notice granting exception from the liability or obligation imposed on others.
28. “**Authorised Officer**” means a person who has the power or right to enforce.
29. “**Ply for Hire**” means when a vehicle is made available for immediate hire. Only licensed hackney carriages may ply for hire and may only do so within the district in which they are licensed.
30. “**The Guidance**” means the Department for Transport - Taxi and Private Hire Vehicle Licensing: Best Practice Guidance March 2010.
31. “**Licensed Vehicle**” means both a Hackney Carriage and Private Hire Vehicle.
32. “**Fit & Proper**” will mean an individual will be deemed to be of the greatest integrity, safe (i.e. no risk to the public), honest and trustworthy in every respect. Whilst no definitive interpretation exists in law the accepted test of “Fit & Proper” is “whether one would allow a loved one (parent, spouse, child etc.) to travel alone with the individual. In order to provide greater reassurance to the residents of and visitors to County Durham, Durham County Council wishes to extend this test beyond mere safety.

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## **Appendix 7: Immediate Suspensions and Revocations**

Where the holder of a licence to drive a hackney carriage or private hire vehicle (or a joint driver) discloses to the Council that they have a medical condition which affects their compliance with the DVLA Group II standard the Licensing Enforcement Team Leader will suspend their licence until such time as a valid medical certificate, together with any supporting documents, which show the DVLA Group II standard is met, has been received. Only on receipt of such information will the suspension will be lifted.

Where information is received that the holder of a hackney carriage or private hire licence has behaved in a manner or has been arrested, bailed, charged convicted or cautioned for a serious criminal offence the nature of which causes the Council to have concerns regarding the safety of the public that licence holder will have their licence suspended with immediate effect. This suspension can be appealed however the appellant may not drive any licensed vehicles until any such appeal has been fully disposed of. Where an appeal is successful the licence will be reinstated. Similarly where a licence holder is not prosecuted or is found not guilty of any offence the licence may be reinstated following an appearance at the Councils Licensing Committee.

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## Appendix 8: Enforcement Procedures and Escalation

This appendix has been produced to provide details and guidelines on the processes which may be used by Licensing Services in support of the main policy when dealing with complaints regarding driver conduct not amounting to offences for which prosecution action can be taken.

### 1. Enforcement Aims

The aim of any sanctions and penalties is to:

- a) Change the behaviour of an offender
- b) Eliminate financial gain or benefit from non-compliance
- c) Be proportionate to the nature of the offence, past history of the offender
- d) Act to deter future non-compliance

#### Verbal/written advice and warnings

In all cases licence holders will be interviewed by a Licensing Enforcement Officer.

Licensing services can, at any time, issue warnings based on the various options below:

**Written Warning** – This option may be considered for a single breach of conditions or an isolated and non-serious incident of questionable conduct observed by officers, police or members of the public. A copy of the warning will be recorded and held on the drivers file; the warning will remain on file for the lifetime of the licence and may be referred to in any future enforcement actions including referrals to the Licensing Committee.

**Final Written Warning** – This option may be considered for subsequent breaches of conditions or further incidents of non-serious questionable conduct observed by officers, police or members of the public. A copy of the final written warning will remain on file for the lifetime of the licence and will be referred to in any future enforcement actions including referrals to the Licensing Committee.

**Committee Referral** – This option will be considered for repeated breaches of conditions or questionable conduct. This option will also be considered for the most serious breaches of conditions and conduct raising significant concern. Previous warnings may be referred to following referrals to the Licensing Committee.

#### 1.1. Committee Referrals

The review of a licence by the Councils Licensing Committee will be sought following persistent breaches of conditions or poor conduct, similarly a review will be sought in response to the most serious breaches and poorest conduct.

On referral to the Licensing Committee elected members will have the following options:

- a) To take no further action
- b) To issue a written warning
- c) To require a driver to sit/resit the Councils Knowledge and Locality test(s)
- d) To require a driver to undertake training in a subject appropriate to the reason(s) for their referral.
- e) To suspend a licence to drive hackney carriages, private hire vehicles or (joint driver)
- f) To revoke a licence to drive hackney carriages, private hire vehicles or (joint driver)

We will exercise our regulatory activities in a way which is:

**Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.

**Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.

**Consistent** – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities.

**Transparent** – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and

**Targeted** – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

## **Appendix 9: C.C.T.V Installed in any Licensed Vehicle**

Where a CCTV system is installed in any vehicle the following conditions will apply.

1. Notices informing of the CCTV must be displayed inside the vehicle in a prominent position where it can be easily read by persons both inside and outside of the vehicle. These notices shall be maintained in a clean and legible condition.
2. The licence holder shall ensure that the system is properly maintained in accordance with the manufacturer's instructions.
3. On request of an officer of the council or a police officer the licence holder shall ensure that the CCTV system is made available within a reasonable time and in any event within 7 days of the request.
4. The licence holder shall take all reasonable steps to ensure that any driver of the vehicle is aware of the conditions relating to CCTV and that adequate instruction has been given in both the operation of the system and retrieving images.
5. The licence holder shall ensure that notification is lodged with the Information Commissioner's Office to cover the purposes for which the CCTV system is used.
6. The licence holder shall take all reasonable steps to ensure that no other person keeps uses or attempts to use any equipment to access the data and images stored on the system.

**Please ask us if you would like this document summarised in another language or format.**

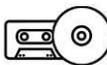
العربية (Arabic) (中文 (繁體字)) (Chinese) اردو (Urdu)  
polski (Polish) ਪੰਜਾਬੀ (Punjabi) Español (Spanish)  
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Table of Proposed Changes

No	Page / Paragraph	Change	Reason	Comments
1	Front page 1	Adult and Health Services	Departmental reorganisation	
2	Front page 1	Comma insertion	Grammatical	
3	Page 7, 6.1(d)	Apostrophe insertion	Grammatical	
4	Page 7, 6.2	Comma insertion	Grammatical	
5	Page 9, 8.8	New, replacement paragraph	Equality Act 2010	New, phased-in provisions relating to wheelchair accessibility vehicles and their drivers
6	Page 10, 13.1	Substitution of 'requires' for 'expects'	Legal	An expectation of high standards fits within the context of 'fit and proper' whilst a requirement for high standards would exceed this recognised standard or suitability
7	Page 10, 13.3	Substitution of 'may not' for 'will not normally'	Legal/clarification	Greater degree of explanation and less uncertainty
8	Page 12, 14.9 and 14.11	Explanation of correspondence being sent out as opposed to being received  Explanation of when payment will be required for failures to attend appointed test dates	Procedural clarification	Greater degree of explanation and less uncertainty

No	Page / Paragraph	Change	Reason	Comments
9	Page 12, 14.12	Explanation of committee referrals for test and inspection failures	Procedural clarification	Greater degree of explanation and less uncertainty
10	Page 12, 14.13	Explanation of vehicle suspensions for test and inspection date rearrangements	Procedural clarification	Greater degree of explanation and less uncertainty
11	Page 14, 14.27	Substitution of 'stretched' for 'stretch'	Grammatical	
12	Page 15, 15.1	Syntax and explanation of procedure for multi-car vehicle insurance cover	Procedural clarification	Greater degree of explanation and less uncertainty
13	Page 15, 16.2	Syntax (and to any)	Grammatical	
14	Page 15, 16.3	Syntax (must to shall)	Legal/grammatical	
15	Page 15, 16.4	Expansion of expectation to cover all public officials	Procedural clarification	Greater degree of explanation and less uncertainty
16	Page 16, 16.6	Insertion of 'new'	Procedural clarification	Greater degree of explanation and less uncertainty
17	Page 17, 20.2	New paragraph making explicit procedural review processes	Procedural clarification	Greater degree of explanation and less uncertainty
18	Appendix 1, page 21, 1(c)	New sentence making explicit procedural guidance and testing review processes	Procedural clarification	Greater degree of explanation and less uncertainty
19	Page 22, 1(e)	Removal of redundant sentence	Requirement out-of-date	
20	Page 22, 1(f)	(i) Extended sentence (ii) Example provided on legislation	Procedural clarification	Greater degree of explanation and less uncertainty
21	Page 23, 2(f) and (g)	(i) Mandatory CSE requirement (ii) Mandatory immigration checks	Legal	New provisions of legislation

No	Page / Paragraph	Change	Reason	Comments
22	Page 23, Med Cert (b)	(i) Syntax change (ii) Information on costs (iii) Insertion of 'normally'	Procedural clarification	Greater degree of explanation and less uncertainty
23	Appendix 2, page 26 title	Re-wording of title to reflect procedural differences and policy applicability	Legal, Procedural clarification	Greater degree of explanation and less uncertainty
24	Page 26, guidelines paragraph	(i) Re-wording of title to reflect procedural differences and policy applicability (ii) Inclusion of information regarding Schedule 2 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended (iii) Removal of redundant sentence	Legal, Procedural clarification	Greater degree of explanation and less uncertainty
25	Page 27, (i)	Inclusion of discrimination cases to reflect new legislative provisions Equality Act 2010	Legal, Procedural clarification	Greater degree of explanation and less uncertainty
26	Page 27, 1 title and first paragraph	(i) Re-wording of title to reflect procedural differences and policy applicability (ii) Addition of 'revoked' for existing licensees	Legal, Procedural clarification	Greater degree of explanation and less uncertainty
27	Page 28,	Addition of 'revoked' for existing licensees	Legal, Procedural clarification	Greater degree of explanation and less uncertainty
28	Page 29	Addition of 'revoked' for existing licensees	Legal, Procedural clarification	Greater degree of explanation and less uncertainty

No	Page / Paragraph	Change	Reason	Comments
29	Page 30	(i) Addition of 'revoked' for existing licensees (ii) Addition of equality and discriminatory offences	Legal, Procedural clarification	Greater degree of explanation and less uncertainty
30	Page 31	Addition of 'revoked' for existing licensees	Legal, Procedural clarification	Greater degree of explanation and less uncertainty
31	Page 32	Addition of 'revoked' for existing licensees	Legal, Procedural clarification	Greater degree of explanation and less uncertainty
32	Page 33, 2 first paragraph and (i)	(i) Re-wording to reflect procedural differences and policy applicability (ii) Inclusion of licence surrender example (iii) Amendment to include Inclusion of information regarding Schedule 2 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended	Legal, Procedural clarification	Greater degree of explanation and less uncertainty
33	Page 43	Record keeping period statement	Enforcement, Procedural clarification	Greater degree of explanation and less uncertainty
34	Appendix 6, Glossary page 47, 4	(i) Applicant and applications reference Re-wording to reflect procedural differences and policy applicability	Legal, Procedural clarification	Greater degree of explanation and less uncertainty

**Adult and Health Services**

**Environment, Health and Consumer Services**

# **Hackney Carriage and Private Hire Licensing Policy 2016 (As amended)**

*Altogether better*



<b>Version Date</b>	<b>Version ref</b>	<b>Revision History</b>	<b>Reviser</b>	<b>Approved by</b>	<b>Review Date</b>
12 May 2011	V1	Final Version	Joanne Waller Head of EHCP Neighbourhood Services	County Council	April 2016
13 April 2016	V2	Final Version	Joanne Waller Head of EHCP Neighbourhood Services	County Council	April 2021
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18 April 2018	V4	Amended Final Version	Joanne Waller Head of EHCP Adult and Health Services	County Council	April 2021

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## **1. Introduction**

- 1.1. The purpose of this policy is to explain how the Council undertakes its functions with respect to hackney carriage and private hire licensing.
- 1.2. The Council, in adopting the licensing policy, recognises both the needs of residents for safe, convenient and effective taxi transport and the importance of this provision to the local economy and vibrancy of the County.
- 1.3. This policy has been produced in accordance with the powers conferred by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985, as amended, which places on the Council the duty to carry out its licensing functions in respect of hackney carriage and private hire licensing.
- 1.4. The development, review, application and implementation will be the responsibility of the Environment, Health and Consumer Protection Service.
- 1.5. The General Licensing and Registration Committee may make decisions that change the content of this policy. The changes may have immediate effect, or may come into effect on a given date.

## **2. Hackney Carriage and Private Hire Licensing**

- 2.1. Durham County Council is responsible for the licensing of hackney carriage and private hire vehicles, drivers and operators.
- 2.2. A hackney carriage vehicle is a public transport vehicle with no more than 8 passenger seats, which is licensed to 'ply for hire'. This means they can stand at ranks or be hailed / flagged down in the street by members of the public.
- 2.3. A private hire vehicle must also have no more than 8 passenger seats however, they must be 'pre booked' through a licensed private hire operator and may not ply for hire nor use appointed ranks.
- 2.4. The aim of licensing the hackney carriage and private hire vehicle trades is to protect and safeguard the public and to ensure that the public have reasonable access to Hackney Carriage and Private Hire services.
- 2.5. The Council recognises it is important that hackney carriage and private hire licensing powers are used appropriately to ensure that licensed vehicles of the Council are safe, comfortable, properly insured and available where and when required.

- 2.6. The Council will not grant a hackney carriage or private hire vehicle licence for any vehicle already licensed by another Local Authority.

### **3. Vehicle Emissions and Manufacture Criteria**

- 3.1. New applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard “EURO 5” or higher.
- 3.2. Existing licensed vehicles will continue to be renewed but may only be replaced by vehicles meeting the criteria outlined above.

### **4. Scope**

- 4.1. This policy, which replaces all previous policies, shall apply throughout the administrative area of Durham County Council from the date of adoption.
- 4.2. In developing this policy the Council has taken account of the Licensing Objectives, listed within paragraph 5, relevant legislation and Government guidance including the best practice guidance issued by the Department for Transport and Office of Fair Trading
- 4.3. The Council has taken into account the views of the following when preparing this policy:
  - a) Current licence holders
  - b) Elected Members of the Council
  - c) Durham Constabulary
  - d) Local businesses and their representatives
  - e) Residents and their representative bodies
  - f) Local transport providers
  - g) Disability Groups
  - h) Planning Authority
  - i) Service users
  - j) The Automobile Association
- 4.4. A full list of those consulted in preparing this Policy is available from Licensing Services.

### **5. Taxi Licensing Objectives**

- 5.1. The Council will adopt and carry out its hackney carriage and private hire licensing functions with a view to protecting the public by promoting the following objectives:

- a) To ensure that safe, comfortable, reliable and accessible hackney carriage and private hire vehicles are available for all who require them
  - b) To ensure that all licensed drivers and private hire operators are fit and proper persons
  - c) To provide clarity for licensees with respect to the Council's requirements and the decision making process
  - d) To promote a professional and respected hackney carriage and private hire trade
- 5.2. These objectives will be taken into account by the Council when making decisions.

## **6. Promotion of taxi licensing objectives**

- 6.1. Methods used by this Council to promote the licensing objectives of this policy will include:
- a) Setting the standards for the licensing of drivers, vehicles and operators.
  - b) The licensing and routine inspections of vehicles, with appropriate follow up action.
  - c) Routine inspection of insurance policies, with appropriate follow up action.
  - d) The assessment of applicants to ensure they are 'fit and proper' persons and thereby entitled to hold a licence. This will include consideration of the person's medical suitability, criminal record (if any), driving standards and knowledge of the relevant law and locations in County Durham.
  - e) Investigation of complaints with appropriate follow up action.
  - f) Liaison with the Police, other local authorities and other relevant agencies regarding issues of mutual concern in relation to offences or the conduct of licence holders/applicants.
  - g) Taking enforcement and / or disciplinary action including prosecution proceedings, verbal and written warnings, written cautions, notices, suspension or revocation of licences for breaches of legislation or conditions and/or in connection with reports or incidents of poor conduct.
- 6.2. When considering applications and taking enforcement action against existing licence holders, the Council as the Licensing Authority will have regard to Environment, Health and Consumer Protection (EHCP) Enforcement Policy.

## **7. Partnership Working**

- 7.1. The Council will seek to work in partnership with the following agencies, groups and individuals to promote the licensing objectives:
- a) Local Hackney Carriage and Private Hire Trade
  - b) Countywide Taxi Working Group
  - c) Durham Constabulary
  - d) Internal Council Departments
  - e) Disability Groups
  - f) Regional Licensing Groups (NESLiG)
  - g) Any other appropriate formation which may contribute to the promotion of the objectives

## **8. Duties and Obligations under the Equality Act 2010**

- 8.1. To achieve the above standard the Council will endeavour to comply with the duties and obligations under the following legislation:
- a) The Equality Act 2010
  - b) Human Rights Act 1998
- 8.2. Providers of transport services by way of hackney carriage and private hire vehicles are now deemed to be providers of services to the public for the purposes of Part 3 of the Equality Act 2010.
- 8.3. A Statutory Code of Practice - Service, Public Functions and Associations - has been issued and provides guidance on specific issues associated with the Act. Licence holders should read this code and ensure they operate in accordance with it. As it is a statutory codes, approved by Parliament it is admissible under the Act and Courts must take them into account where relevant.
- 8.4. Following the information provided in the Code may help transport providers avoid adverse court judgements – it includes examples of good practice – but it is not a complete or authoritative statement of the law and is not a substitute for taking appropriate advice. Ultimately the Courts will provide authoritative interpretation of the Code.
- 8.5. Where a disabled person believes they have been discriminated against the main remedies available are damages including compensation for injuries to feelings, an injunction and a declaration, however the claimant should seek independent legal advice before commencing any claim.

- 8.6. It is a condition of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment so as to be able to transport passengers in wheelchairs at all times. (The licence for a vehicle may be suspended until such time as the Council considers the vehicle is fit for purpose).
- 8.7. Licensed drivers are under a duty to carry a passenger's guide, hearing and other prescribed assistance dog in their vehicles without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided at the drivers expense, from the drivers own GP stating the details of their medical condition. A register will be kept of those drivers exempted.
- 8.8. Under the Equality Act 2010, the council will make and hold a list of wheelchair accessible vehicles (i.e. designated vehicles). The Act requires the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibits them from charging extra. The relevant requirements of the Act do not apply to drivers who have a valid exemption certificate which must be displayed in the vehicle. The Department for Transport has published statutory guidance; *Access for Wheelchair Users to Taxis and Private Hire Vehicles*. This guidance has been issued in order to assist council's in the implementation of legal provisions intended to assist passengers in wheelchairs in their use of designated taxi and private hire vehicle services.
- 8.9. Persons who breach duties imposed by the Equality Act may be guilty of a criminal offence.
- 8.10. Further information is available from the Equality and Human Rights Commission at [www.equalityhumanrights.com](http://www.equalityhumanrights.com).

## **9. Conditions**

- 9.1. The Council can impose such conditions as it deems necessary in relation to the grant or a renewal of any licence except a hackney carriage driver's licence.
- 9.2. Standard conditions relating to licences are included in the appendices. In addition the Council may impose additional conditions where considered necessary or appropriate in all circumstances.

## **10. Enforcement**

- 10.1. Licensing Enforcement Officers will undertake enforcement activities on behalf of the Council in accordance with the Councils enforcement policy.

## **11. Other Regulatory Regimes**

- 11.1. Other statutory requirements may apply to the provision of any regulated activities provided by a licensed vehicle or at premises, and the responsibility for compliance rests with the licence holder and / or proprietor.

## **12. Decision making**

- 12.1. The powers of the Council will be exercised in accordance with this policy and as delegated through the Council's Constitution.
- 12.2. The Council will make all decisions in relation to licensing matters on their own merits.
- 12.3. The Council will provide reasons for all decisions that it makes.

## **13. Complaints Procedure**

- 13.1. Durham County Council expects high standards of conduct and behaviour from the hackney carriage and private hire trade and all licence holders should maintain these standards at all times. However, it is recognised that there may be occasions when members of the public or the trade may make complaints.
- 13.2. Complaints will be dealt with in accordance with the Council's Complaints procedures.
- 13.3. Durham County Council recognises that some complaints can be frivolous, vexatious and repetitious. Such complaints will not normally be pursued.
- 13.4. Members of the trade will be expected to assist officers when carrying out their investigations.
- 13.5. Following completion of the investigation all parties will normally receive written confirmation of any action taken.
- 13.6. If any party is not satisfied with the outcome of the investigation the Council has a Corporate Complaints Procedure.

## **14. Vehicles**

- 14.1. The Council has discretion over the types of vehicle that it can licence as Hackney Carriage and Private Hire vehicles. In setting the standard vehicle conditions the Council has taken account of passenger needs. Any application for a new vehicle licence will only be considered if it complies with the policy and conditions set out by the Council in Appendix 3 and Appendix 4 of this policy.

- 14.2. Category A and B “write offs” will not be licensed as Hackney Carriage or Private Hire Vehicles.
- 14.3. All vehicles shall have an appropriate ‘type approval’ which is either:
- a) European Whole Vehicle Type approval
  - b) British National Type approval; or
  - c) British Single Vehicle Approval (SVA)

This paragraph will specifically apply to special vehicles as identified in Appendix 4.

- 14.4. From the adoption of this policy all licensed vehicle will be subject to the requirements of paragraph 3.0 of this policy.
- 14.5. Any advertising other than self-promotional information must be approved by the Licensing Team Leader. Examples of the advertising and its proposed placement must be forwarded to the Licensing Team Leader for their consideration and approval.
- 14.6. Any approved advertising should not conflict with the Licensing Objectives and should comply with the requirements of the Advertising Standards Agency. Advertising in this context does not include such information as the name and contact details that relate to the private hire or Hackney Carriage Company or proprietor that owns or operates the vehicle. Such details are to be regarded as self-promotional information. Self promotional information does not lend itself to any other interests outside the owner or operator’s private hire or hackney carriage company.

### **Testing**

- 14.7. Prior to being licensed all vehicles must have been successfully tested with the preceding six months. All new vehicles must be presented for an inspection at one of the Council’s appointed testing stations prior to being licensed, subject to meeting all the requirements of the test a Certificate of Compliance, which lasts for one year, will be issued if the vehicle is to be used on a public highway.

**NB** the Certificate of Compliance exempts a licensed vehicle from requiring an MOT test certificate. However, proprietors must be aware if the vehicle licence is surrendered, suspended, revoked or not renewed the vehicle must have an MOT certificate in place.

- 14.8. Six months from the date of being licensed a vehicle will be required to be presented for a further test.

14.9. Licence holders will be sent correspondence from Licensing Services in advance of the expiry of their licence and they should contact Licensing Services Administration to arrange an appointment to submit their renewal application and to arrange a vehicle fitness test. Upon meeting all the requirements of the test, a Certificate of Compliance, which lasts for one year will be issued.

**NB** To ensure the application process is complete before the expiry of the vehicle licence, applicants are encouraged to contact the Licensing Services on receipt of their reminder to arrange appointments for both the vehicle test and to submit their renewal application.

14.10. All licensed vehicles over 10 years old will be required to be tested three times each year.

14.11. All tests (and retests where applicable) must be paid for prior to the vehicle being presented. A failure to attend an appointed test date will normally result in a charge being imposed.

14.12. Where a vehicle fails its test on three consecutive occasions (including annual, six monthly, re-tests and third party inspections e.g. DVSA) or in circumstances it fails on a regular basis (although not necessarily consecutively) the proprietor and/or driver may be referred to the Council's Licensing Committee.

14.13. Vehicle licence holders who fail to present their vehicles for test or re-schedule their test for a date which is later than has been scheduled, will have their vehicle licence suspended. Where appointments have been re-scheduled for an earlier date and time, no action will be taken.

#### **Window Tints**

14.14. The Council recognises that vehicles may be manufactured with glass that is darker than that specified in the standard vehicle conditions prescribed in this policy. Because of the large costs and inconvenience associated with changing glass the Council will exercise discretion in the case of vehicles manufactured with window tints outside that standard.

#### **Temporary Replacement Vehicles**

14.15. The Council will allow the temporary licensing of vehicles in cases where an existing licensed vehicle suffers mechanical failure or accident damage which results in it having to be taken off the road for a period of time. Temporary replacement vehicles, which will not be subject to colour conditions, may be licensed for a period not exceeding two months.

- 14.16. If a Licensed vehicle is damaged in an accident or by any other means, the licence holder must report the damage to Licensing Services as soon as reasonably practicable and in any case within 72 hours. An examination will determine whether the vehicle is roadworthy or in need of repair.

An 'Accident Damage Form' will be issued and must be retained in the vehicle. If the vehicle is deemed unfit the licence will be suspended. If the vehicle is not repaired and presented for test within two months from the date of inspection the licence will be revoked. Unless the Authority confirms otherwise, the vehicle may not be used as a hackney carriage or private hire vehicle from the date of first examination until it has been re-examined and passed fit for use. If the vehicle has sustained major damage then the location of the vehicle must be given and it may be inspected by an Authorised Officer

### **Special Vehicles**

- 14.17. The Council may licence a motorised special vehicle as a private hire for the carriage of up to eight passengers provided that such a vehicle has been issued with at least a Single Vehicle Approval (SVA) certificate and that the requirements in these specifications can be satisfied. Only an original SVA certificate will be accepted by the Council as proof of the vehicle satisfying the requirements to obtain that approval.
- 14.18. Prior to any licence being issued a vehicle compliance certificate must be issued by the Council. Where the vehicle is unable to be tested at a Council test centre alternative testing arrangements must be made by the applicant. All costs associated with obtaining the relevant approvals or tests must be met by the vehicle proprietor.
- 14.19. When imported into this country the importer must produce a declaration from the testing authority (DVSA) that the vehicle will never carry more than eight passengers.

### **Exemptions**

- 14.20. Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 allows local authorities to grant exemptions to private hire vehicles from displaying licence plates and other prescribed livery.
- 14.21. The Council has decided that for the purpose of this policy, they consider the use of a higher standard and more luxurious vehicle used exclusively for the purposes of carrying passengers under a written contract (the duration of which must be not less than 60 days) to be the minimum standard for an application not to display a licence plate and other identification livery to be considered.

- 14.22. The Council will not exercise its discretion in granting this exemption for any vehicle which is to be used for any other purpose than as described above.

The booking of a vehicle regardless of its “standard” for the purposes of carrying passengers to special events, airport services, celebrations or nights out not under a written contract (the duration of which must be not less than 60 days) is considered to be routine private hire work and will not satisfy the criteria for consideration of the exemption, for the avoidance of doubt contracts issued by: the NHS, Durham County Council passenger transport team will not satisfy the criteria for exemption.

- 14.23. If the owner of a vehicle wishes to ask the Council to exercise its discretion to exempt the vehicle from displaying a licence plate and other identification livery they must apply to the Council in writing, providing evidence to support the application.
- 14.24. Applicants for an exemption from displaying licence plates and other livery may also apply to be exempt from the Councils colour policy.
- 14.25. Applications for exemptions will be determined by the duly authorised officer in consultation with the Chairman or Vice Chairman of the Licensing Committee.
- 14.26. An exemption from displaying a plate and other identification livery is a privilege rather than a right and the benefit of the exemption will be granted at the Councils discretion.

The Council has the power to withdraw the exemption if the related conditions are not complied. Council Officers will periodically check booking records to ensure compliance with the policy.

### **Stretched Limousines**

- 14.27. “Stretched Limousines” Imported Stretched Limousines are normally checked for compliance with British regulations under the Single Vehicle Approval (SVA) inspection regime, before they are registered. The Authority will request sight of the SVA certificate to ensure that the vehicle was tested by DVSA before being registered and licensed (taxed) by DVLA. The DVLA test verifies that the converted vehicle is built to certain safety and environmental standards. Stretched Limousines that clearly have more than eight passenger seats will not be licensed as PHV’s because they are outside the licensing regime for PHV’s.

## **15. Vehicle Insurance**

- 15.1. Proprietors of licensed vehicles must ensure that a valid insurance policy, providing the relevant level of cover, is in place throughout the period a vehicle is licensed. This insurance policy must be in place before a licence can be granted. Where the policy covers a number of licensed vehicles, proprietors must also produce the schedule showing the list of insured vehicles.
- 15.2. Hackney carriages must be insured for public hire purposes. Private hire vehicles must be insured for private hire purposes.
- 15.3. Proof of continuous vehicle insurance must be provided, in a clearly legible form, to Licensing Services by the vehicle proprietor. Proof of continuous insurance should also be produced upon request by an authorised officer of the Council. Where valid insurance is not provided or produced upon request vehicle licences will be suspended.

## **16. Drivers**

- 16.1. Only on receipt of a complete application can the Council issue a hackney carriage or private hire driver's licence to an applicant, provided he or she meets the criteria for new drivers as outlined in this policy and is considered to be a fit and proper person.
- 16.2. In determining whether a driver is fit and proper the Council will consider various criteria which will include such things as: the applicant's relevant skills, knowledge, experience, qualifications, medical fitness, criminal record and any previous history as a licence holder in accordance with Appendix 1 and Appendix 2.
- 16.3. Applicants intending to operate a wheelchair accessible vehicle must complete a course approved by the Council. The course shall provide instruction to drivers on the correct procedures for clamping and restraining a wheelchair and other relevant aspects of carrying passengers with a disability. The cost of the training will be met by the applicant. This training must be undertaken by new applicants prior to being licensed.

N.B. Existing drivers who operate wheelchair accessible vehicles and have not undertaken the training, must do so on applying to renew their driver's licence. This must be completed within 6 months of the date of application to renew.

- 16.4. The Council expects all drivers to behave in a civil and orderly manner, be polite, helpful and respectful to members of the public, the Police, Council employees and other public officials. Failure to do so may result in a referral to the Council's Licensing Committee.

- 16.5. Whilst using any licensed vehicle drivers must not engage in any sexual activity with or without their passengers, make inappropriate physical contact or make inappropriate comments of a sexual nature.
- 16.6. The Council will not normally determine a new driver application where there are any outstanding legal proceedings until such proceedings are disposed of, this includes ongoing investigations, pending cases and appeals. The Council will endeavour to refer any application where there are any outstanding legal proceedings to the next available licensing committee.
- 16.7. Following an appearance at committee a direction will be made in any notice of decision as to any future referral to the licensing committee following the outcome of any legal hearing this is to include occasions where an individual is completely exonerated or charges being unsubstantiated.

## **17. Private Hire Operators**

- 17.1. Only on receipt of a complete application can the Council issue a private hire operator's licence to an applicant, provided he or she meets the criteria outlined in this policy.
- 17.2. In determining whether an applicant is a fit and proper person the Council will consider the applicant's criminal record and any previous history as a licence holder in accordance with Appendix 2 and Appendix 5.
- 17.3. A private hire operator licence will only be granted to an address within the area administered by Durham County Council.

## **18. Licence Fees**

- 18.1. The Council will set fees for licences at a level that will recover the costs recoverable under statute, incurred by the Council for issue, administration, control and supervision of that type of licence.
- 18.2. Where refunds are due to any licence holder or applicant they will be calculated on a pro rata basis and an administration charge deducted.

## **19. Hackney Carriage Fares Policy**

- 19.1. When setting hackney carriage fares the Council will have regard to:
  - a) The needs of the travelling public and what it is reasonable to expect people to pay
  - b) The need to give the trade sufficient incentive to provide a service at the times when it is demanded

- 19.2. Once a table of fares has been approved by the Council, any request for a review of that table of fares would not normally be considered for a period of at least 12 months.
- 19.3. The Council supports the practice of drivers of licensed vehicles requesting advance payment of fares; this does not remove any requirement for the taximeter to be used on such occasions.

## **20. Review**

- 20.1. This policy will be reviewed every five years. However, the Council will make such revisions as it considers appropriate and publish it accordingly.
- 20.2. The Council from time to time will prepare and review procedures covering aspects of hackney carriage and private hire licensing including both enforcement and administration processes.

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# Appendices

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## Appendix 1: Drivers

An application for a driver licence must be made on the specified form.

Drivers' licences will only be granted subject to proof of eligibility and all other application criteria being met.

Drivers' licences will only be renewed subject to all application criteria being met and consideration of the applicants continuing suitability.

A licence, when granted, will be valid for a period of three years, (or less as the Council may decide is necessary in certain circumstances).

Upon grant a driver will be issued two identification cards (badges) these must both be displayed at all times when the driver is available for hire or carrying passengers. One "badge" must be worn on the body of the driver the other being displayed in a prominent place in the vehicle and easily seen by any passenger.

### 1. Eligibility

The Council will, in considering whether an applicant is a fit and proper person to hold a driver licence require the applicant to meet the criteria set out below.

#### a) Qualification

The applicant will be required to provide proof that they have held a full UK drivers licence, or equivalent, for a period of not less than 12 months prior to the application being submitted. A full DVLA driving licence showing the applicants current address must be produced.

#### b) Driving Assessment

The applicant will be required to provide evidence that they have passed a suitable and satisfactory driver assessment test designed to assess the driving competency of hackney carriage and private hire drivers. Driving assessment tests and providers shall be subject to Council vetting and approval.

The suitability and satisfactory nature of taxi driver assessment tests and of assessment providers shall be determined by the Council in accordance with current guidance issued by DCC. Approval of assessment providers shall also be subject to current guidance issued by DCC.

#### c) Driver Knowledge and Locality Tests

Applicants for both private hire and hackney carriage driver licences will be required to undertake both the Council's knowledge and locality tests. The knowledge test will include a section on basic numeracy. Testing will be

carried out in accordance with guidance issued by the council and may be reviewed from time to time.

**d) Medical Fitness**

Applicants are required to provide evidence, in the form of a prescribed certificate, available from the Council, signed by a medical practitioner with access to the applicant's medical records, stating that the applicant satisfies all the requirements of the DVLA Group II medical standards of fitness to drive. All costs associated with obtaining the medical certificate are to be met by the applicant.

**e) CSE Awareness**

Applicants will be required to attend a Child Sexual Exploitation (CSE) awareness training course.

**f) Suitability**

The Council must be satisfied that an applicant is a fit and proper person to hold a driver licence. Applicants must undergo a Driver Vehicle Licensing Agency (DVLA) check and a Disclosure & Barring Service (DBS) check. Applicants will also be required to subscribe to the DBS update service and ensure continuity.

Applicants from outside the United Kingdom must obtain a certificate of good conduct from the relevant Embassy or Consulate.

The Council requires all applicants who have resided in the country for less than five years to obtain a DBS or equivalent and a Certificate of Good Conduct from their relevant Embassy or Consulate which must be authenticated, translated and sealed by the Embassy or Consulate. Any expenses incurred must be met by the applicant.

Additional information will be considered as appropriate. For example, all applications will be subject to a right-to-work check under the Immigration Act 2016.

## **2. Continuing Suitability / Renewal Process**

The ongoing suitability of a licence holder will be monitored. In addition, the following specific checks will be carried out upon renewal, or at any other time deemed necessary by the Council:

- a) Annual DVLA check
- b) DBS update service
- c) Notification of Convictions/Cautions/Arrest/Ongoing or Pending prosecutions or investigations etc. this is to include motoring fixed penalties and antisocial behavior notices and attendance of any speed awareness courses.

- d) Checks carried out as a result of information or intelligence received by Licensing Services.
- e) Periodic medical examination
- f) CSE awareness training
- g) Right-to-work / immigration checks

**NB** From the adoption of this policy existing licensed drivers will be required to undergo a DBS check no later than one year from their most recent check, they must then subscribe to the update service, failure to do so will result in the suspension of the licence.

(A valid medical certificate, together with any supporting documents which show the DVLA Group II standard is met, such as: exercise test reports, must be produced at the following times):

- a) Upon initial application
- b) On the event of their 45th birthday
- c) Every fifth year after the 45th birthday
- d) On their 65th birthday and then annually
- e) At the request of Licensing Services

**NB** Under no circumstances will a licence be issued until such time as all required checks are completed and supporting paperwork produced to licensing staff. All costs associated with medical checks and certification to be met by the applicant or licence holder.

At each renewal the DVLA driving licence photographic card must be produced, this must be valid and must bear the correct address for the applicant; failure to produce this will result in the application not being processed.

Licence holders will normally receive a reminder letter in advance of the expiry of their licence and must telephone the Licensing office to arrange a suitable appointment to submit a complete renewal application.

To avoid delays, Applicants are encouraged to contact Licensing Services at least 10 working days prior to the expiry.

### **3. Standard Conditions of a Private Hire Driver Licence**

The licensed driver shall:

- a) Notify the Council as soon as possible, and also confirm in writing within seven days, of any alteration to their circumstances or material particulars including but not limited to:
  - (i) Change of address
  - (ii) Change of name
  - (iii) Change of office from which they operate

- (iv) Being arrested/bailed/charged with/convicted of or otherwise investigated in connection with any criminal or motoring offence
  - (v) Accepting a fixed penalty notice or caution, or receiving a Criminal Behaviour Order (CBO), attendance at any speed awareness course
  - (vi) Injury sustained or illness that may alter their medical status in line with DVLA Group II standards or affect their driving ability
  - (vii) Details of any motoring fixed penalty endorsements received
- b) Notify the Council as soon as possible, and also confirm in writing within 72 hours, of any traffic accident they are involved in whilst driving a licensed vehicle.
  - c) Provide a DBS disclosure upon request.
  - d) Provide a copy of their DVLA driving licence or equivalent upon reasonable request.
  - e) Produce a valid medical certificate, upon request (Failure to do so will result in the licence being suspended)
  - f) Behave in a professional manner at all times when working.
  - g) Keep their vehicles clean and suitable for use by members of the public at all times.
  - h) Where necessary, assist passengers into and out of vehicles.
  - i) Offer passengers reasonable assistance with luggage.
  - j) Bring to the attention of passengers any dangers associated with egress from the vehicle
  - k) Ensure that the manner in which they carry out their business is such that no disturbance is caused to other road users, businesses and local residents.
  - l) Behave in a civil and orderly manner and be polite, helpful and respectful to members of the public, the Police and Council employees. Failure to do so may result in a referral to the Council's Licensing Committee.
  - m) Not tamper with, or permit any person to tamper with, any taximeter or its fittings.
  - n) Display the identification badges issued to them in the manner prescribed within this policy.
  - o) Report the loss of their private hire driver identification badge to the Council immediately.
  - p) Ensure that they charge passengers only the fare previously agreed between the operator and passenger, if a taximeter is used only the fare displayed on the taxi meter at the end of the journey can be charged, unless a lower fare is previously agreed with the passenger.
  - q) Provide a receipt to a passenger upon request, the receipt shall include:
    - (i) The fare
    - (ii) Pick up location
    - (iii) Destination
    - (iv) Operator Name
    - (v) Driver/Vehicle number
    - (vi) Date

(vii) Time

## **Appendix 2: Determination of Suitability of Applicant and Licence Holders for Vehicle, Driver and Operator Licences**

### **Guidelines on the relevance of arrest, conviction, caution or any other relevant information including complaints and intelligence**

Licence holders and applicants for driver, vehicle and operator licences are required to disclose all convictions, fixed penalty notices and cautions, including those that would in other circumstances be regarded as spent under the Rehabilitation of Offenders Act 1974, subject to Schedule 2 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended. This order creates categories of 'protected cautions' and 'protected convictions', which applicants and licencees must be treated as not having committed, or been charged with, or prosecuted for, or convicted of, or sentenced for, even though 'spent' cautions and convictions may be taken into account.

Licence holders and applicants must also disclose details of any ongoing investigations and any pending prosecutions. This is to include any arrest and subsequent bail where charges have not been laid.

The disclosure of a criminal record or other information will normally prevent an applicant from obtaining a licence until such time, in accordance with the following paragraphs, has elapsed since the conviction.

In making its decision the Council will consider the relevance of any offence, the seriousness of the offence, the length of time since the offence occurred and any pattern of offending behaviour or other complaints.

The Council considers all offences to be relevant offences (subject to the above Exemptions Order) when considering the suitability of a person to hold or retain a licence.

The following types of offence will be viewed as serious (in no particular order):

- a) Dishonesty
- b) Violence (including Criminal Damage & Sexual Offences)
- c) Alcohol Related Offences
- d) Public Order Offences
- e) Motoring Offences
- f) Possession of or Possession with the Intent to Supply controlled substances
- g) Obscenity (which includes the possession, making or distribution of unlawful obscene images / materials on computer or the internet)
- h) Racially or Religiously aggravated offences
- i) Offences of a discriminatory nature
- j) Offences involving Indecency or other offences of a Sexual Nature
- k) Contravention of Licensing Laws or Conditions

- l) Disqualification from driving a motor vehicle at any time in the three years prior to applying for a licence
- m) Offences involving animal cruelty
- n) Criminal Behaviour Orders

## **Applications for Vehicle, Driver and Operator Licences following a conviction / caution and the ongoing suitability of Licence Holders**

If an applicant has been convicted of a criminal or motoring offence within the time periods specified below the Council will normally refuse an application. These offences will also be used to consider the ongoing suitability of existing licence holders. In the following list the term 'applicant' and 'application' refers to both new applicants for a licence and to existing licences and licence holders.

### **Minor traffic offences**

Where two or more convictions for the following offences within any one year period are disclosed an application will normally be refused / revoked until one year from the date of the most recent conviction has elapsed.

Minor traffic offences would include:

- CU80** Using a mobile phone while driving a motor vehicle
  
- MS10** Leaving a vehicle in a dangerous position
- MS20** Unlawful pillion riding
- MS30** Play street offences
- MS60** Offences not covered by other codes
- MS70** Driving with uncorrected defective eyesight
- MS80** Refusing to submit to an eyesight test
- MS90** Failure to give information as to identity of driver etc.
  
- MW10** Contravention of Special Road Regulations (excluding speed limits)
  
- PC10** Undefined contravention of pedestrian crossing regulations
- PC20** Contravention of pedestrian crossing regulations with moving vehicle
- PC30** Contravention of pedestrian crossing regulations with stationary vehicle
  
- SP10** Exceeding goods vehicle speed limits
- SP20** Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30** Exceeding statutory speed limit on a public road
- SP40** Exceeding passenger vehicle speed limit
- SP50** Exceeding speed limit on a motorway
  
- TS10** Failing to comply with traffic light signals

<b>TS20</b>	Failing to comply with double white lines
<b>TS30</b>	Failing to comply with a Stop sign
<b>TS40</b>	Failing to comply with direction of a constable or traffic warden
<b>TS50</b>	Failing to comply with traffic sign (excluding Stop sign, traffic lights or double white lines)
<b>TS60</b>	Failing to comply with school crossing patrol sign
<b>TS70</b>	Undefined failure to comply with a traffic direction sign

- Aiding, abetting, counseling or procuring any of the above offences
- Inciting any of the above offences
- Or similar offences or offences which replace the above offences

### **Major traffic offences**

Where a conviction for one or more of the following offences is disclosed, an application will normally be refused / revoked until two years from the date of the most recent conviction has elapsed.

In cases resulting in a period of disqualification an application will be refused unless three years from the date of the most recent conviction has elapsed.

Major traffic offences would include:

<b>AC10</b>	Failing to stop after an accident
<b>AC20</b>	Failing to give particulars or to report an accident within 24 hours
<b>AC30</b>	Undefined accident offences
<b>BA10</b>	Driving while disqualified by order of Court
<b>BA30</b>	Attempting to drive while disqualified by order of Court
<b>CD10</b>	Driving without due care and attention
<b>CD20</b>	Driving without reasonable consideration for other road users
<b>CD30</b>	Driving without due care and attention or without reasonable consideration for other road users
<b>CU10</b>	Using a vehicle with defective brakes
<b>CU20</b>	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
<b>CU30</b>	Using a vehicle with defective tyre(s)
<b>CU40</b>	Using a vehicle with defective steering
<b>CU50</b>	Causing or likely to cause danger by reason of load or passengers
<b>DD10</b>	Causing serious injury by dangerous driving
<b>DD40</b>	Dangerous driving
<b>DD60</b>	Manslaughter or culpable homicide while driving a vehicle
<b>DD90</b>	Furious driving

- DR10** Driving or attempting to drive with alcohol level above limit  
**DR20** Driving or attempting to drive while unfit through drink  
**DR30** Driving or attempting to drive then failing to supply a specimen for analysis  
**DR31** Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity  
**DR40** In charge of a vehicle while alcohol level above limit  
**DR 50** In charge of a vehicle while unfit through drink  
**DR60** Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive  
**DR61** Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive  
**DR70** Failing to provide specimen for breath test  
**DR80** Driving or attempting to drive while unfit through drugs  
**DR90** In charge of a vehicle when unfit through drugs
- IN10** Using a vehicle uninsured against third party risks
- LC20** Driving otherwise than in accordance with a licence  
**LC30** Driving after making a false declaration about fitness when applying for a licence  
**LC40** Driving a vehicle having failed to notify a disability  
**LC50** Driving after a licence has been revoked or refused on medical grounds
- MS50** Motor racing on the highway
- TT99** To signify disqualification under totting-up procedure. If the total of penalty points reached 12 or more within 3 years, the driver is liable to be disqualified
- UT50** Aggravated taking of a vehicle
- Aiding, abetting, counseling or procuring any of the above offences
  - Causing or permitting any of the above offences
  - Inciting any of the above offences
  - Or similar offences or offences which replace the above offences

An application will normally be refused / revoked following a conviction for:

- CD40** Causing death through careless driving when unfit through drink  
**CD50** Causing death through careless driving when unfit through drugs  
**CD60** Causing death by careless driving with alcohol level above the limit  
**CD70** Causing death by careless driving then failing to supply a specimen for analysis

- CD80** Causing death by careless, or inconsiderate driving  
**CD90** Causing death by driving: unlicensed, disqualified or uninsured drivers  
**DD80** Causing death by dangerous driving

**Town Police Clauses Act 1847, Part Two of the Local Government (Miscellaneous Provisions) Act 1976 & Criminal Justice & Public Order Act 1994**

An application will normally be refused / revoked where:

- a) Less than one year has elapsed where there is one conviction
- b) Less than two years have elapsed since the date of the most recent conviction where there is more than one conviction
- c) Less than five years has elapsed since a licence has been revoked by any Council

**Offences under the Equality Act 2010 and other offences of a discriminatory nature**

An application will normally be refused / revoked where:

- a) Less than one year has elapsed where there is one conviction
- b) Less than two years have elapsed since the date of the most recent conviction where there is more than one conviction
- c) Less than five years has elapsed since a licence has been revoked by any Council

**Offences involving the possession drugs**

An application will normally be refused / revoked where:

- a) Less than one year has elapsed since the date of the conviction where there is one conviction
- b) Less than three years have elapsed since the date of the most recent conviction where there is more than one conviction

**Offences involving the possession drugs with the intent to supply**

An application will normally be refused / revoked where:

- a) Less than five years has elapsed where there is one conviction
- b) An application will be refused where there is more than one conviction

**Indecency and sexual offences**

An application will normally be refused / revoked where:

- a) There is a conviction for any sexual or indecency offence, including the possession of images.

### **Soliciting**

An application will be refused / revoked where:

- a) Less than one year has elapsed since the date of the conviction where there is one conviction
- b) Less than two years have elapsed since the date of the most recent conviction where there is more than one conviction

Where a person declares they are on, or have been, on the sex offenders register an application will be refused / revoked.

### **Violence**

An application will be refused / revoked following a conviction for:

- a) Murder
- b) Manslaughter
- c) Or similar offences or offences which replace the above offences

An application will normally be refused / revoked unless five years has elapsed since the date of a conviction for any of the following offences:

- a) Assault occasioning actual bodily harm
- b) Racially aggravated common assault
- c) Common assault
- d) Harassment (Protection from Harassment Act 1997)
- e) Battery
- f) Affray
- g) s.2 Protection from Harassment Act 1997 offence
- h) s.2 Public Order Act 1986 (violent disorder)
- i) s.4 Public Order Act 1986 (fear of provocation of violence)
- j) s.4A Public Order Act 1986 (intentional harassment, alarm or distress)
- k) s.5 Public Order Act 1986 (harassment, alarm or distress)
- l) Riot
- m) Obstruction
- n) Criminal damage
- o) Violent disorder
- p) Resisting arrest
- q) Or similar offences or offences which replace the above offences

An application will normally be refused / revoked unless ten years has elapsed since the date of a conviction for any of the following offences:

- a) Arson
- b) Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)

- c) Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- d) Grievous bodily harm with intent (s.18 Offences Against the Person Act)
- e) Grievous bodily harm (s.20 Offences Against the Person Act)
- f) Robbery
- g) Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- h) Racially-aggravated s.4 Public Order Act 1986 (fear of provocation of violence)
- i) Racially-aggravated s.4A Public Order Act 1986 (intentional harassment, alarm or distress)
- j) Racially-aggravated s.5 Public Order Act 1986 (harassment, alarm or distress)
- k) Racially-aggravated s.2 Protection from Harassment Act 1997 (harassment)
- l) Racially-aggravated s.2 Protection from Harassment Act 1997 (putting people in fear of violence)
- m) Assault on Police
- n) Possession of offensive weapon
- o) Possession of firearm
- p) Or similar offences or offences which replace the above offences

### **Dishonesty offences**

An application will normally be refused / revoked unless 3 years has elapsed since the date of a conviction for any of the following offences:

- a) Theft
- b) Burglary
- c) Fraud
- d) Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- e) Handling or receiving stolen goods
- f) Forgery
- g) Conspiracy to defraud
- h) Obtaining money or property by deception
- i) Other deception
- j) Failing to declare convictions etc. on application
- k) Or similar offences or offences which replace the above offences

## **1. Other Relevant Factors**

The Council may take into account any other matter or matters that may affect whether an applicant or licence holder is a fit and proper person, such factors include but are not limited to:

- a) Convictions/Cautions for any other offence not listed above
- b) Any diversion scheme offered as an alternative to conviction (i.e. “checkpoint” or restorative approach)

- c) Mental Health Act Orders
- d) Inclusion on any register maintained for the purposes of safeguarding the public
- e) Police intelligence/information
- f) Drug/Alcohol use and Detoxification
- g) Other relevant information disclosed
- h) Any complaints or the accumulation of complaints regarding a licence holders conduct
- i) Surrender of a licence prior to an appearance before the Licensing Committee
- j) Matters contrary to the requirements of this policy

**Failure to disclose all arrest/bail/convictions, fixed penalty notices, cautions, (subject to the Exceptions Order) and/or ongoing investigations and/or pending prosecutions may affect the grant of a licence or may lead to the revocation of a licence.**

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## **Appendix 3: Vehicle Licences**

An application for a vehicle licence must be made on the specified form.

Vehicle licences will only be granted subject to all application criteria being met and will be valid for a period of one year.

The following conditions will apply to all vehicles (Hackney Carriage and Private Hire) licensed by the Council.

### **1. Standard Conditions**

- 1.1. The vehicle shall be right-hand drive and the body must be a fixed head type (hard top).
- 1.2. Notwithstanding condition 1.5 (below) the vehicle will only be licensed to carry the number of passengers specified on the V5 registration document.
- 1.3. The design condition or appearance of a licensed vehicle must not be changed without first obtaining written consent from the Council any changes may require an additional vehicle inspection to be carried out.
- 1.4. Where the seats are placed facing each other there must be a clear space of 38cm subject to a 2cm tolerance between any part of the front of a seat and any part of any other seat that faces it.
- 1.5. Occasional (tip-up) seats must be arranged to rise automatically when not in use.
- 1.6. A fully operational heating and ventilation system must be fitted and maintained for the driver and passengers. All body parts and trimmings must be fitted and maintained in good working order both internally and externally.
- 1.7. Journeys must not be commenced using temporary tyres or tyres that have been subject to a temporary repair.
- 1.8. Reasonable efforts should be made that in the event of mechanical failure a passenger's journey can be completed in a safe and reasonable manner in an alternative licensed vehicle.
- 1.9. The vehicle licence plate must be displayed and securely attached with bolts or screws on the outside rear of the vehicle. (attachment by adhesive tape and/or magnets is not acceptable)

The plate remains the property of the Council and must be returned upon expiry, surrender or suspension of the vehicle licence.

- 1.10. The vehicle must display the internal plate, internal driver I.D. door crests and complaint information stickers, as supplied and required by the Council, at all times. The door crests shall be fixed to the front nearside and offside doors of the vehicle in a central position (attachment by magnets is not acceptable). All vehicles must display no smoking signs as required by law.
- 1.11. Advertising may be displayed inside the vehicle and on the rear doors, panels and boot, subject to an application being made by the vehicle proprietor and subsequently approved by the Council. It should not obscure the Council signage or vehicle top sign.
- 1.12. All vehicles shall undergo an inspection by the Council's appointed testing station(s) six months from grant or as required.
- 1.13. Vehicle proprietors must inform the Council at the earliest opportunity, and in writing within 72 hours, if any licensed vehicle has been involved in an accident or sustained damage.
- 1.14. No fittings, devices or lights may be attached or carried inside or outside the vehicle that could injure or harm any passenger or other person either inside or outside of the vehicle. No lights or other fittings shall be permitted on the vehicle that would obscure any licence plates or obscure the driver's or passengers' view out of the vehicle.
- 1.15. Vehicle proprietors shall notify the Council in writing within seven days of any change of address.
- 1.16. CCTV shall be permitted in vehicles. Where such devices are fitted within the vehicle conditions at Appendix 9 shall apply
- 1.17. No animals other than those owned by fare paying passengers shall be carried in or on any licensed vehicle whilst the vehicle is so engaged under the terms of its licence.
- 1.18. Window tints shall comply with the following:
  - a) The front windscreen shall allow 75% of light to be transmitted through
  - b) The front side windows shall allow at least 70% of light to be transmitted through them
  - c) Other windows shall allow at least 70% of light to be transmitted through them.

- 1.19. If carrying a child the driver **MUST** ask a responsible adult if they would like the child locks activated. The child locks must not be activated in any other circumstances

**NB** Under no circumstances must any passenger be locked in a licensed vehicle against their will.

- 1.20. The vehicle must carry a suitable fire extinguisher sited in a readily accessible place known to the driver. The appliance shall have a minimum content of 1 kilogram, conform to BSEN3 1996 and be of the dry powder or foam type, be kept in good condition and be fitted with a gauge which indicates the condition of its contents. Every fire extinguisher to be permanently marked with the vehicle's hackney carriage or private hire vehicle licence number.

- 1.21. The vehicle must carry a "first aid" kit which must contain:

- A leaflet giving general advice on first aid, for example HSE
- basic advice on first aid at work
- 20 individually wrapped sterile plasters
- 2 sterile eye pads
- 4 individually wrapped triangular bandages
- 6 safety pins
- 2 large and 6 medium sized, individually wrapped sterile unmedicated wound dressings
- 2 pairs of disposable gloves

**NB** The first aid kit to be permanently marked with the vehicle's hackney carriage or private hire vehicle licence number.

- 1.22. The vehicle must be able to carry a reasonable amount of luggage which must be able to be stored securely. Where a vehicle is fitted with a removable parcel shelf it must remain in place when carrying luggage. The luggage compartment or any attached roof rack/box must be free from the proprietors or drivers personal property so it is available to store passenger's luggage. Luggage should be stored securely and not stored in such a way as to hinder access to a door.

- 1.23. There must be at least four doors. All doors must be capable of being opened from the inside.

- 1.24. The interior of the passenger compartment must be maintained in a clean condition and in good repair and where fitted any parcel shelf shall remain in place at all times.

- 1.25. The flooring of the passenger compartment must be covered with a non-slip material.

- 1.26. If a trailer is to be used a trailer plate, issued by the Council, must be displayed on the trailer.
- 1.27. If a roof carrier is to be used for luggage or goods it must be of a type fitted to the guttering or to the roof rails provided by the manufacturer and must not obscure any top sign.
- 1.28. All vehicles must carry within, a vehicle check book which must be dated and signed by the driver to the effect that they have taken reasonable steps to ensure that the vehicle they are driving is roadworthy and complies with this policy. The book must record the mileage at the time the check is carried out.
- 1.29. No licensed vehicle may be used for the unaccompanied carriage or delivery of alcohol or any tobacco products.

## **2. Hackney Carriage Vehicles**

In addition to the standard conditions, the following conditions will apply to Hackney Carriage vehicles.

- 2.1. Only white vehicles will be licensed as Hackney Carriage Vehicles. (Vehicles licensed before 1 April 2011 are exempt from this colour condition, however such vehicles may only be replaced by white vehicles)
- 2.2. An illuminated taximeter must be fitted in a position where it is not obstructed by other fixtures or fittings within the vehicle and in a place where it is clearly visible to all passengers carried in the vehicle.
- 2.3. The taximeter shall be securely fitted, maintained in full working order, sealed and calibrated by an approved agent within the Council's approved hackney carriage fare scale and shall not be tampered with. (Licensing services hold a list of approved agents)
- 2.4. A current fare table must be displayed in a position that is clearly visible in the passenger compartment.
- 2.5. Display a roof sign, this sign must include the word TAXI and must be clearly illuminated (during both daylight and at night time) when the vehicle is available for hire. An exception to this condition will be afforded to purpose built taxi vehicles bearing a pre fitted sign.
- 2.6. Display a "for hire" sign in the front passenger side of the windscreen that is illuminated when the vehicle is available for hire. An exception to this being purpose built vehicles where the 'for hire' sign is pre fitted.

### **3. Private Hire Vehicles**

In addition to the standard conditions, the following conditions will apply to Private Hire vehicles.

- 3.1. Private hire vehicles may be any colour other than white or a colour that could be mistaken for white, for example cream or ivory.
- 3.2. Any taximeter fitted in a private hire vehicle must be fitted in a position where it is not obstructed by other fixtures or fittings within the vehicle and in a place where it is clearly visible to all passengers carried in the vehicle.
- 3.3. Any taximeter fitted to a private hire vehicle shall be securely fitted, maintained in full working order and table of fares must be displayed in a position that is clearly visible in the passenger compartment displayed in the vehicle.
- 3.4. The words “taxi”, “cab”, “for hire” or anything that may suggest that the vehicle is a Hackney Carriage must not be displayed on any part of any private hire vehicle.
- 3.5. An operator consent form must be completed by the vehicle proprietor and operator on grant or renewal of the vehicle licence. An operator consent form must also be completed when there is a change in operator during the life of the licence.

### **4. Wheelchair Accessible Vehicles**

In addition to the standard conditions and those applying to hackney carriage and private hire vehicles, further conditions apply to wheelchair accessible vehicles as set out in this section. Where the conditions for wheelchair accessible vehicles conflict with the standard conditions; the wheelchair accessible vehicles conditions will apply.

- 4.1. The vehicle must have a designated space to accommodate at least one wheelchair user. This space will be included in the total number of persons permitted to be carried.
- 4.2. Either the rear or a nearside door must be used for wheelchair access. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 780mm (30<sup>3</sup>/<sub>4</sub>”). The minimum angle of the door when opened must be 90 degrees (the minimum angle will not be relevant in the case of a sliding door).
- 4.3. The floor to ceiling height where the disabled passenger will sit must be a minimum of 1350mm (54<sup>3</sup>/<sub>4</sub>”).

- 4.4. All wheelchairs must be carried facing forwards or rearwards. Where a wheelchair is carried facing the rear of the vehicle, the wheelchair, in addition to standard restraints must be positioned such that it is reversed against a bulkhead to provide further stability.
- 4.5. Facilities for the loading of a wheelchair and occupant must be available at all times for use at the nearside or rear passenger doors. This ramp must comply with all Equality Act recommendations as to design and installation.
- 4.6. An adequate locating device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed and secured safely when not in use. The storage of the ramp when not in use must not impede access or egress of passengers. Ramps must be rigid when in use. There must be a slip resistant surface on the ramp with outer edges coloured.
- 4.7. Suitable anchorages must be provided for the wheelchair. Restraints for the wheelchair and occupant must be independent of each other. Belts attached to a wheelchair, in order to assist a person to remain in it whilst travelling, will not be acceptable.
- 4.8. Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment.
- 4.9. All anchorages and restraints must not cause danger to any passenger.
- 4.10. The provision of a step for assisted entry is required. The step must be covered with a slip resistant surface.

## **Appendix 4: Special Vehicle Licence Conditions**

### **1. Standard Conditions for Special Vehicles**

In addition to the standard conditions, the following extra conditions apply to special vehicles. Where the conditions for special vehicles conflict with the standard conditions, the conditions for special vehicles will apply

- 1.1. Forward and rear facing seats must be fitted with a 3-point, inertia reel seatbelt.
- 1.2. Efforts must be in place to ensure that: in the event of mechanical failure, the passenger's journey can be completed in a safe and reasonable manner.
- 1.3. The Council will require the vehicle to undertake a MOT test Twice yearly

### **2. Conditions for Stretch Vehicles**

In addition to the standard conditions and conditions for special vehicles, the following extra conditions apply to stretch vehicles- Where the conditions for stretch vehicles conflict with the standard conditions or conditions for special vehicles, the conditions for stretch vehicles will apply

- 2.1. The maximum length of the vehicle "stretch" must not exceed 3048mm. Each passenger seating area must be at least 400mm wide with a flat area in front of each seat of 300mm x 300mm.
- 2.2. The vehicle must be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres must be of an approved rating as specified by the manufacturer, meet legal requirements and have a minimum tread depth of 2mm.
- 2.3. The vehicle is not used in any contract or provision for carrying school children or any unaccompanied children under the age of 18 years (the driver may not act as an accompanying adult)
- 2.4. The Council's exemption disc will at all times be displayed on the front windscreen.
- 2.5. The private hire vehicle licence plate must be securely fixed in a visible position inside the luggage compartment.

- 2.6. The vehicle's Exemption Certificate/Notice must be carried in the vehicle at all times and produced on request to any Police Officer or Authorised Officer of the Council.
- 2.7. The driver of such vehicles must wear a shirt and tie.

### **3. Licence Conditions for Horse-Drawn Vehicles**

In addition to the standard conditions for special vehicles, extra conditions apply to horse-drawn vehicles as set out in this section. Where the conditions for horse-drawn vehicles conflict with the standard conditions, the following extra conditions will apply:

- 3.1. The driver must ensure every part of the harness of the animal or animals drawing the carriage is kept in order, so that the animal or animals are properly and securely attached to the carriage and under control.
- 3.2. The driver must not feed or allow any animal harnessed or otherwise attached to a carriage to be fed, except with food contained in a proper bag or other receptacle
- 3.3. Proprietors must arrange for animals to be checked at least annually, and at any other time at the request of the Council, by an approved veterinary surgeon. The licensee shall meet any costs involved. Where an animal is found to be unfit its use in the operation of a hackney carriage shall be discontinued until such time as a certificate of fitness signed by the veterinary surgeon is produced to the Council's authorised officer.
- 3.4. Proprietors must arrange for testing of the carriage on an annual basis and at the request of the Council.

### **4. Other Vehicles**

- 4.1. Consideration may be given to alternative forms of transport being licensed; however the Council will expect applications to be accompanied by information regarding the safety of the proposed operation, any proposed routes and pick up points, times and area of operation, details of the vehicle(s) and public liability insurance.
- 4.2. Vehicles must be fitted with seatbelts that meet BSI standards.
- 4.3. The Council will undertake consultation with anybody it considers appropriate with such an application and may attach such conditions as it thinks reasonable and proportionate. These may include conditions not applied to conventional hackney carriage or private hire vehicles.

## **Appendix 5: Private Hire Operator**

An application for a private hire operator licence must be made on the specified form. Private hire operator licences will be issued subject to proof of eligibility.

A licence will be valid for a period of five years (or less as the Council may decide is necessary in certain circumstances) subject to continuing suitability. It may be renewed following approval of a valid renewal application.

Operators will receive a correspondence in advance of the expiry of their licence and on receipt must telephone the Licensing office to arrange a suitable appointment to submit their renewal application.

To avoid delays, Applicants are encouraged to contact the Licensing Services at least 10 working days prior to the expiry.

### **1. Standard Conditions**

The operator's licence will be subject to the following conditions:

- 1.1. Operators must keep legible, hand written or computerised records of each booking for a period of no less than six months. Records must include:
  - a) The date and time of the booking and if different the time and date of the
  - b) proposed journey
  - c) The name and address or telephone number of the hirer
  - d) The agreed time and place of the proposed pick up
  - e) The destination including address or street name
  - f) The name of the driver
  - g) The licence number of the vehicle allocated for the booking.
  - h) Any agreed fare
  
- 1.2. The operator shall keep legible, hand-written or computerised records of the particulars of all Private Hire vehicles operated by him which shall include:
  - a) Vehicle make, model and colour
  - b) Vehicle registration mark
  - c) Number of passenger seats
  - d) The vehicle licence number
  - e) The company call-sign for the vehicle
  - f) The vehicle proprietor's name and address
  - g) Insurance particulars of all vehicles working on behalf of the operator
  - h) The date the vehicle was added to the operator's fleet
  - i) The date the vehicle was withdrawn from the operator's fleet

- j) Name and address of the owner
  - k) Name, address and the licence number of drivers of such vehicles
- 1.3. The operator shall keep legible, hand-written or computerised records of the particulars of all drivers employed or otherwise engaged by him which shall include:
- a) The name and address of the driver and any change of address of a driver during the course of his service with the operator
  - b) The name, address and company call-sign assigned to the driver
  - c) The date the driver commences working for the operator
  - d) The date the driver ceases working for the operator
- 1.4. The operator shall permit an authorised officer of the Council or a Police officer access to records required by their licence at all reasonable times.
- 1.5. The operator shall retain from every licensed driver employed or otherwise engaged by him, a copy of that driver's licence, and shall retain it for the period of such employment or engagement. The operator shall record the overall period or periods, during which, such employment or engagement continues.
- 1.6. The operator shall retain a copy of all vehicle licences in respect of vehicles used in his business.
- 1.7. The operator shall ensure that the vehicle fulfils bookings at the appointed time and place unless delayed or prevented by some justifiable cause.
- 1.8. If provision is made by the operator for the reception of members of the public proposing to hire a vehicle, adequate arrangements shall be made for the seating of customers and it is recommended that toilet facilities within the premises be provided for public use.
- 1.9. Where the premises are open to the public the operator shall provide a copy of the public liability insurance to the Licensing Authority public.
- 1.10. Behave in a civil and orderly manner and be polite, helpful and respectful to passengers and Council employees, failure to behave in such a manner may result in a referral to the Council's Licensing Sub Committee.
- 1.11. Notify the Council as soon as possible, and also confirm in writing within seven days, of any alteration to their circumstances or material particulars including but not limited to:
- a) Change of address.
  - b) Change of name
  - c) Change of office from which they operate.

- d) Being arrested/bailed/charged with/convicted of or otherwise investigated in connection with any criminal or motoring offence.
- e) Accepting a fixed penalty notice or caution, or receiving an Antisocial Behaviour Order (ASBO), attendance at any speed awareness course.
- f) Injury sustained or illness that may alter their medical status in line with DVLA Group II standards or affect their driving ability.
- g) Details of any motoring fixed penalty endorsements received.

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## Appendix 6: Glossary

1. **“Hackney Carriage Vehicle”** means a vehicle licensed to carry passengers for hire or reward. It can be hailed by a prospective customer, wait on the rank and “ply for hire” where no other restrictions exist that would prevent them doing so.
2. **“Private Hire Vehicle”** means a vehicle constructed or adapted to seat fewer than nine passengers, other than a Hackney Carriage or public service vehicle, which is licensed to be provided for hire with the services of a driver for the purpose of carrying passengers. Private hire vehicles may only be pre booked through a licensed private hire operator.
3. **“Private Hire Operator”** means a person licensed to make provision for the invitation or acceptance of bookings for private hire vehicles.
4. **“Applicant”** and **“Application”** refers to applicants for new licences but for the purpose of this policy, will also include existing drivers, vehicle and operator licence holders in connection with the assessment of their ongoing suitability.
5. **“Limousine”** means a vehicle which has an engine capacity of 2800 c.c. or more, produced by a manufacturer as a luxury/high end vehicle. It will generally be obvious that a vehicle has been produced for this purpose and it will have a selection of extras that one would expect to be fitted. If doubt/contention exists then the final arbiter shall be the manufacturer. Seating arrangements will consist of forward and/or rear facing seats only.
6. **“Integrated Transport System”** means complete / total transport is available.
7. **“Licensing Committee”** means elected Members appointed to consider circumstances and make decisions in accordance with the Council’s constitution.
8. **“The Council”** means the Authority responsible for the administration and regulation of taxi legislation and regulation.
9. **“DVSA”** means Driver and Vehicle Standards Agency.
10. **“Livery”** means a distinctive pattern or design on a vehicle providing identification, for instance door crests / Council signage.

11. **“Enforcement Policies”** mean specific details of regulatory non-compliance and the action taken to deal with non-compliance.
12. **“Licensing Authorities Constitution”** means the body of fundamental principles or established precedents by which the organisation is governed.
13. **“Stakeholder”** means a person with an interest or concern in something.
14. **“Driver Proficiency Test”** means drivers expert test as laid down by The Driver and Vehicle Standards Agency (DVSA) for taxi drivers.
15. **“DBS”** means the Disclosure and Barring Service, an executive agency of the Home Office that provides access to criminal record and other relevant information to organisations in England and Wales and who carries out checks forming a disclosure.
16. **“Certificate of Good Conduct”** means a certificate of good conduct relating to a Police records check. For example, if an applicant has lived abroad, on their return to the UK, a licensing application may need confirmation that the applicant has no criminal record. This certificate will suffice the requirement.
17. **“DVLA Check”** means a standard check with the Driver and Vehicle Licensing Agency revealing penalty points or traffic related convictions.
18. **“Department for Transport”** means the central government ministry which provides leadership across the Transport Sector to achieve its objectives, working with regional, local and private sector partners to deliver many of the services.
19. **“Relevance of Convictions”** means convictions that may be taken into consideration when assessing matters.
20. **“Relevant Offences”** mean criminal matters of a nature that may be taken into account when applications are being assessed.
21. **“Inertia Reel Seatbelt”** means a reel that allows a vehicle seat belt to unwind freely but which locks under force of impact or rapid deceleration.
22. **“MOT”** means the Ministry of Transport Test which is an annual test of older vehicle safety and road worthiness. MOT test certificates are currently issued by the Driver and Vehicle Standards Agency (DVSA) an agency within the Department for Transport.
23. **“LPG”** means Liquefied Petroleum Gas.

24. **"Certificate of Compliance"** means a certificate confirming that a licensed vehicle has passed the Council's vehicle test. A certificate of compliance acts in lieu of a MOT certificate whilst the vehicle remains licensed, should a vehicle be suspended for any reason an MOT certificate must be in place before the vehicle can be used for social, domestic and pleasure purposes.
25. **"Taximeter"** means a mechanical or electronic device installed in licensed vehicles that calculates passenger fares based on a combination of distance travelled and waiting time.
26. **"Vehicle Compliance Pass Certificate"** means the Council's compliance test confirming the vehicle meets the standards required by the Local Authority.
27. **"Appointed Testing Station"** means an appointed garage where the vehicle tests are carried out.
28. **"Vehicle Exemption Certificate Notice"** means a notice granting exception from the liability or obligation imposed on others.
29. **"Authorised Officer"** means a person who has the power or right to enforce.
30. **"Ply for Hire"** means when a vehicle is made available for immediate hire. Only licensed hackney carriages may ply for hire and may only do so within the district in which they are licensed.
31. **"The Guidance"** means the Department for Transport - Taxi and Private Hire Vehicle Licensing: Best Practice Guidance March 2010.
32. **"Licensed Vehicle"** means both a Hackney Carriage and Private Hire Vehicle.
33. **"Fit & Proper"** will mean an individual will be deemed to be of the greatest integrity, safe (i.e. no risk to the public), honest and trustworthy in every respect. Whilst no definitive interpretation exists in law the accepted test of "Fit & Proper" is "whether one would allow a loved one (parent, spouse, child etc.) to travel alone with the individual. In order to provide greater reassurance to the residents of and visitors to County Durham, Durham County Council wishes to extend this test beyond mere safety.

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## **Appendix 7: Immediate Suspensions and Revocations**

Where the holder of a licence to drive a hackney carriage or private hire vehicle (or a joint driver) discloses to the Council that they have a medical condition which affects their compliance with the DVLA Group II standard the Licensing Enforcement Team Leader will suspend their licence until such time as a valid medical certificate, together with any supporting documents, which show the DVLA Group II standard is met, has been received. Only on receipt of such information will the suspension will be lifted.

Where information is received that the holder of a hackney carriage or private hire licence has behaved in a manner or has been arrested, bailed, charged convicted or cautioned for a serious criminal offence the nature of which causes the Council to have concerns regarding the safety of the public that licence holder will have their licence suspended with immediate effect. This suspension can be appealed however the appellant may not drive any licensed vehicles until any such appeal has been fully disposed of. Where an appeal is successful the licence will be reinstated. Similarly where a licence holder is not prosecuted or is found not guilty of any offence the licence may be reinstated following an appearance at the Councils Licensing Committee.

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## Appendix 8: Enforcement Procedures and Escalation

This appendix has been produced to provide details and guidelines on the processes which may be used by Licensing Services in support of the main policy when dealing with complaints regarding driver conduct not amounting to offences for which prosecution action can be taken.

### 1. Enforcement Aims

The aim of any sanctions and penalties is to:

- a) Change the behaviour of an offender
- b) Eliminate financial gain or benefit from non-compliance
- c) Be proportionate to the nature of the offence, past history of the offender
- d) Act to deter future non-compliance

#### Verbal/written advice and warnings

In all cases licence holders will be interviewed by a Licensing Enforcement Officer.

Licensing services can, at any time, issue warnings based on the various options below:

**Written Warning** – This option may be considered for a single breach of conditions or an isolated and non-serious incident of questionable conduct observed by officers, police or members of the public. A copy of the warning will be recorded and held on the drivers file; the warning will remain on file for the lifetime of the licence and may be referred to in any future enforcement actions including referrals to the Licensing Committee.

**Final Written Warning** – This option may be considered for subsequent breaches of conditions or further incidents of non-serious questionable conduct observed by officers, police or members of the public. A copy of the final written warning will remain on file for the lifetime of the licence and will be referred to in any future enforcement actions including referrals to the Licensing Committee.

**Committee Referral** – This option will be considered for repeated breaches of conditions or questionable conduct. This option will also be considered for the most serious breaches of conditions and conduct raising significant concern. Previous warnings may be referred to following referrals to the Licensing Committee.

#### 1.1. Committee Referrals

The review of a licence by the Councils Licensing Committee will be sought following persistent breaches of conditions or poor conduct, similarly a review will be sought in response to the most serious breaches and poorest conduct.

On referral to the Licensing Committee elected members will have the following options:

- a) To take no further action
- b) To issue a written warning
- c) To require a driver to sit/resit the Councils Knowledge and Locality test(s)
- d) To require a driver to undertake training in a subject appropriate to the reason(s) for their referral.
- e) To suspend a licence to drive hackney carriages, private hire vehicles or (joint driver)
- f) To revoke a licence to drive hackney carriages, private hire vehicles or (joint driver)

We will exercise our regulatory activities in a way which is:

**Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.

**Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.

**Consistent** – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities.

**Transparent** – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and

**Targeted** – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

## **Appendix 9: C.C.T.V Installed in any Licensed Vehicle**

Where a CCTV system is installed in any vehicle the following conditions will apply.

1. Notices informing of the CCTV must be displayed inside the vehicle in a prominent position where it can be easily read by persons both inside and outside of the vehicle. These notices shall be maintained in a clean and legible condition.
2. The licence holder shall ensure that the system is properly maintained in accordance with the manufacturer's instructions.
3. On request of an officer of the council or a police officer the licence holder shall ensure that the CCTV system is made available within a reasonable time and in any event within 7 days of the request.
4. The licence holder shall take all reasonable steps to ensure that any driver of the vehicle is aware of the conditions relating to CCTV and that adequate instruction has been given in both the operation of the system and retrieving images.
5. The licence holder shall ensure that notification is lodged with the Information Commissioner's Office to cover the purposes for which the CCTV system is used.
6. The licence holder shall take all reasonable steps to ensure that no other person keeps uses or attempts to use any equipment to access the data and images stored on the system.

**Please ask us if you would like this document summarised in another language or format.**

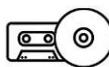
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বাংলা (Bengali) हिन्दी (Hindi) Deutsch (German)  
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**Large Print**

**County Council**

18 April 2018

**Updated Local Code of Corporate Governance**


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**John Hewitt, Corporate Director Resources**  
**Councillor Alan Napier, Deputy Leader and Portfolio Holder for Finance**

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**Purpose of the Report**

- 1 For the Council to consider the inclusion of the updated Local Code of Corporate Governance in the revised Council Constitution.

**Background**

- 2 The Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way which functions are exercised.
- 3 In discharging this overall responsibility the Council is responsible for putting in place proper arrangements for the governance of its affairs and facilitating the effective exercise of its functions, including the management of risks.
- 4 The Accounts and Audit Regulations 2015 require a local authority to review, at least once a year, the effectiveness of its system of internal control. This requirement will be fulfilled if the review is conducted in accordance with the Delivering Good Governance (DGG) in Local Government Framework (2016).
- 5 The Council should be able to demonstrate that its governance structures comply with the core and sub-principles contained in the Framework and, to facilitate this, it should therefore develop and maintain a Local Code of Corporate Governance reflecting the principles set out.

**Local Code of Corporate Governance**

- 6 The Local Code of Corporate Governance is a public statement that sets out the way the Council will meet its commitment to demonstrating that it has the necessary corporate governance arrangements in place to perform effectively. It represents a key component of the Council's governance arrangements and applies to all Council members, officers, partners and stakeholders in their dealings with the Council. The current Code can be found in Part 5 'Codes and Protocols', of the Council's Constitution.

- 7 The Local Code was updated last year to meet the requirements of the new DGG in Local Government Framework (2016) and has recently been reviewed to ensure that it remains fit for purpose. An updated version is attached in appendix 2 and this includes one proposed change, which is detailed below.
- 8 To better reflect the Council's ongoing commitment to good governance, the text highlighted in grey below should be inserted at paragraph 4.66 as follows:

*The Council seeks to provide **continuous** assurance with regard to its arrangements for governance and internal control by,*

### **Recommendation**

- 9 The Council is requested to approve the updated Local Code of Corporate Governance to replace the existing version in the Council Constitution.

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**Contact: David Marshall Tel: 03000 269648**

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## Appendix 1: Implications

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**Finance** – There are no financial implications associated with this report. However, financial planning and management is a key component of effective corporate governance.

**Staffing** – There are no impacts on staff, but ensuring the adequate capability of staff meets a core principle of the CIPFA/ SOLACE guidance.

**Risk** – There are no reportable risks associated with the report, but the assessment of corporate risk is a key component of the Council's governance arrangements.

**Equality and Diversity/ Public Sector Equality Duty** - Engaging local communities including hard to reach groups meets a core principle of the CIPFA/ SOLACE guidance.

**Accommodation** – There are no accommodation implications , but asset management is a key component of effective corporate governance

**Crime and Disorder** – None.

**Human Rights** - None.

**Consultation** - Engaging local communities meets a core principle of the CIPFA/ SOLACE guidance.

**Procurement** – None.

**Disability issues** – Ensuring access to services meets a core principle of the CIPFA/ SOLACE guidance.

**Legal Implications** – The governance review process ensures that the Council discharges its statutory duties under the Local Government Act 1999 and the Accounts and Audit Regulations 2015 as set out at paragraphs 2 and 4 of the report.

The Code of Corporate Governance enables the Council to demonstrate how it complies with the Delivering Good Governance in Local Government Framework 2016.

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# **DURHAM COUNTY COUNCIL**

## **LOCAL CODE OF CORPORATE GOVERNANCE**

## 1. Introduction

- 1.1. The Accounts and Audit Regulations 2015 require a local authority to conduct a review at least once in a year of the effectiveness of its system of internal control. A statement reporting on the review must be included in an Annual Governance Statement published with the Statement of Accounts.
- 1.2. The Annual Governance Statement must be “prepared in accordance with proper practices in relation to accounts”. To help meet this requirement, this code has been produced in accordance with Delivering Good Governance in Local Government Framework (2016) , “The DGG Framework”.

## 2. What is Governance?

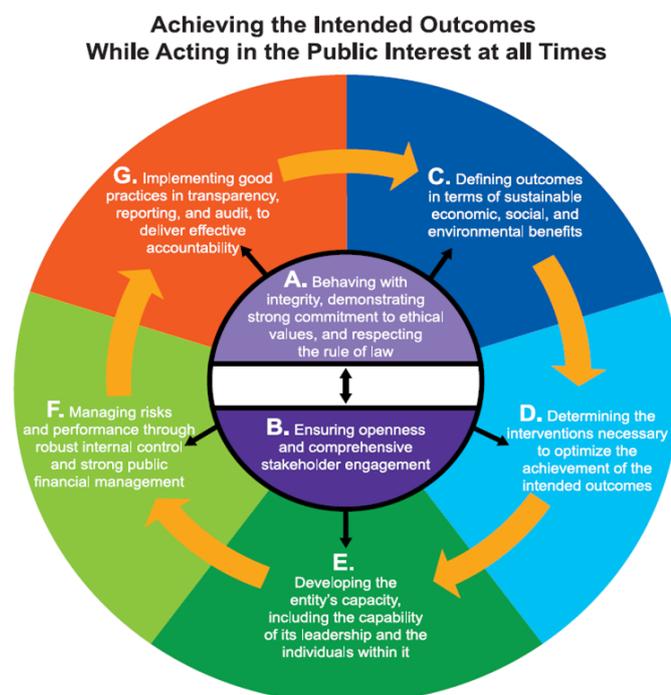
- 2.1. The International Framework: Good Governance in the Public Sector (Chartered Institute of Public Finance and Accountancy / International Federation of Accountants, 2014), the ‘International Framework’, defines governance as follows:

*Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved.*

- 2.2. The International Framework also states that:

*To deliver good governance in the public sector, both governing bodies and individuals working for public sector entities must try to achieve their entity’s objectives while acting in the public interest at all times. Acting in the public interest implies primary consideration of the benefits for society, which should result in positive outcomes for service users and other stakeholders.*

- 2.3. The diagram below, taken from the International Framework shows how the various principles of good governance in the public sector relate to each other.



### **3. The Principles of Good Governance**

3.1. The DGG Framework requires governance processes and structures to focus on the attainment of sustainable outcomes for the economy, society and the environment. The Council acknowledges that sustainability and the links between governance and public financial management are crucial and pledges to take account of the impact of current decisions and actions on future generations.

3.2. Principles A and B spread through all other principles C to G and ensure that the Council achieves its intended outcomes while acting in the public interest at all times. This requires:

**A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.**

**B. Ensuring openness and comprehensive stakeholder engagement.**

3.3. In addition to the overarching requirements for acting in the public interest in principles A and B, achieving good governance in the public sector also requires effective arrangements for:

**C. Defining outcomes in terms of sustainable economic, social, and environmental benefits.**

**D. Determining the interventions necessary to optimise the achievement of the intended outcomes.**

**E. Developing the Council's capacity, including the capability of its leadership and the individuals within it.**

**F. Managing risks and performance through robust internal control and strong public financial management**

**G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability**

### **4. The Council's Local Code of Corporate Governance**

4.1. The Council is committed to, and endeavours to maintain, an effective governance framework to meet the principles set out in this Code.

4.2. This Code also aims to ensure that the Council responds appropriately to sustained pressures from a variety of sources.

4.3. The components that make up the Council's governance framework are many and varied. They include:-

- Internal and partner strategy documents that set out a longer term vision for the future of the County and identify the most important priorities;
- Internal and partner policy documents and codes that regulate committee and business activities to ensure that they comply with the law and that the Council's objectives and values are supported;

- Committees and officer groups that regulate and/or monitor Council or business activities to ensure that they comply with the law and that the Council's objectives and values are supported;
- Other systems, processes and documents, including self-assessment tools, that support or evidence the principles of good governance set out in The DGG Framework.

- 4.4. The key document supporting the Council's governance arrangements is the [Constitution](#), which sets out how we operate, how decisions are made and the rules and procedures we follow to ensure our work is efficient and transparent and that we are accountable to local people. The Constitution Working Group, which is chaired by the Leader of the Council and consists of the lead Members from each political party, co-ordinates proposed changes and these are approved by Full Council. A full annual review is carried out each year.
- 4.5. A fundamental feature of the Council's governance arrangements is the overview and scrutiny system, the role of which is to review policy and challenge whether the Executive has made the right decisions to deliver policy goals. Another key feature is the Standards Committee, which is responsible for promoting and maintaining high standards of conduct by councillors, independent members and co-opted members. Further details on the overview and scrutiny function and the Standards Committee are included under Principle A.
- 4.6. This section describes, with reference to the components of the Council's governance framework, how each of the principles and sub-principles of this Code will be met. In addition to the components listed above, where relevant, references to key legislation, professional standards and codes of practice are made.

**Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.**

Why this is important

- 4.7. The Council is accountable not only for how much it spends, but also for how it uses the resources under its stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes it has achieved. In addition, the Council has an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, it can demonstrate the appropriateness of all its actions and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.

How we meet this principle

- 4.8. Key governance documents supporting Principle A include:

[Constitution](#) – Codes of Conduct for Members and Employees (Part 5); [Confidential Reporting Code \(Whistleblowing policy\)](#) (Part 5); Contract Procedure Rules (Part 4); Decision Making (Article 12); Functions and Responsibilities of Key Officers (Article 11); Member Role Descriptions (Part 9); Overview and Scrutiny Arrangements (Article 6); Protocol on Member/Officer

Relations (Part 5); Other Codes and Protocols (Part 5); Roles and Functions of Members (Article 2).

Other – Competency Framework; [Corporate Complaints Policy](#); [Counter Fraud and Corruption Strategy](#); [Fraud Response Plan](#); Officer and Member Gifts & Hospitality Register and Procedures; [Overview and Scrutiny Handbook](#); [Sustainable Commissioning and Procurement Policy](#); Sustainable Buying Standards.

### **A1 Behaving with integrity**

4.9. The Council ensures that its values are communicated and understood, and that members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated. This is achieved by:

- Setting out in codes of conduct the minimum standards expected of members and employees, and the implications of any code breaches.
- Setting out in the Competency Framework the Council's corporate values to underpin staff behaviours and competencies.
- Seeking individual commitment to the codes from members and officers during induction, through annual, written reminders and in performance appraisals.
- Assigning the Constitution Working Group, chaired by the Leader of the Council and consisting of the lead Members from each political party, to oversee the maintenance and approval of the codes and protocols in Part 5 of the [Constitution](#). The Codes of Conduct are intended to be consistent with the Seven Principles of Public Life\* (the Nolan Principles), which must be observed by members and employees when conducting the business of the Council or acting as a representative of the Council.

\* Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

- Setting out in the Contract Procedure Rules how contracts for goods, works, services and utilities should be put in place and managed, and detailing the record keeping and reporting requirements related to procurement activity.
- Members leading by example by adhering to these principles in decision making and during meetings with fellow members, employees, the community and partners.
- Maintaining Registers of Interest for members and officers and formally registering interests at meetings and declaring gifts and hospitality.

4.10. The Council endeavours to demonstrate, communicate and embed its values through the following policies and processes, which are reviewed on a regular basis to ensure that they are operating effectively. This is achieved by:

- Providing guidance, through the [Fraud Response Plan](#), which supports the [Counter Fraud and Corruption Strategy](#), to employees and managers on the procedures that must be followed in the event of suspected fraud, theft or other irregularity.
- Requiring the Chief Internal Auditor and Corporate Fraud Manager to verbally inform the Section 151 Officer, [Audit Committee](#) and External Audit of any serious cases of fraud.
- Reporting the outcomes of anti-fraud and corruption work to [Audit Committee](#) as part of Protecting the Public Purse updates.

- Enabling employees, through the [Confidential Reporting Code](#) to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' externally.
- Including in the Durham Managers training programme a course that explains how the [Confidential Reporting Code](#) should be used as a means to 'blow the whistle' where appropriate.
- Maintaining arrangements, through the [Corporate Complaints Policy](#), for non-statutory complaints about services, which are reported to [Corporate Issues Overview and Scrutiny Committee](#) along with details of investigations by the Commissioner for Local Administration.
- Maintaining arrangements for complaints against employees, which are referred to the Corporate Fraud Team, Human Resources and the respective Service Management to ensure a proper investigation.
- Assigning the [Monitoring Officer](#) to oversee the arrangements for conflicts of interest, gifts and hospitality for members and officers, who are required to review their declarations annually.
- Publishing the Register of Gifts, Interests and Hospitality for Members on the website under the relevant meeting or on the [Your Councillor webpage](#).

## **A2 Demonstrating strong commitment to ethical values**

4.11. The Council seeks to establish, monitor and maintain ethical standards and performance, while underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation. This is achieved by:

- Assigning the [Standards Committee](#) to promote and maintains high standards of conduct by councillors, independent members and co-opted members.
- Assigning the [Appeals and Complaints Committee](#) to determine appeals against decisions made by the Council.
- Maintaining an effective scrutiny function that encourages constructive challenge and enhances performance through the Overview and Scrutiny Management Board and Overview and Scrutiny Committees.
- The role, functions and scope of the Overview and Scrutiny Board and each of its six committees are set out in detail in the [Constitution](#) and the [Overview and Scrutiny Handbook](#). They allow a wider involvement in Council business by involving non-councillors from the wider public sector, voluntary and community groups to help them in their work. They may make reports and recommendations to the Executive and the Council as a whole on its policies, budget and service delivery.
- Review and scrutinise the conduct, decisions and actions of Police and Crime Commissioner through the Durham Police and Crime Panel, which is made up of members from Durham County Council and Darlington Borough Council.
- Providing, through the [Constitution](#), roles for independent members and co-opted members on the Standards Committee, Overview and Scrutiny Committees, [Audit Committee](#) and Police and Crime Panel.
- Reporting bi-annually, through the Internal Audit Service, to Corporate Management Team and the [Audit Committee](#) on investigations into misconduct, including any measures taken to enhance the control environment in order to prevent incidences happening in the future.
- Embedding ethical values through a variety of channels, including online training, briefings and news bulletins.

- Rewarding good ethical behaviour through the Great Staff, Great Stuff Scheme, and awarding instant recognition certificates to those who make an exceptional contribution in this area.
- 4.12. The Council places emphasis on agreed ethical values by,
- Maintaining a range of key ethical codes and protocols, such as the codes of conduct for members and employees, and the Protocol on Member/Officer Relations, in Part 5 of the Council [Constitution](#).
  - Using the above codes and protocols to set the tone for subsidiary policies and procedures in areas such as procurement, recruitment, staff discipline, gifts and hospitality and declarations of interest.
- 4.13. The Council requires external providers of services on its behalf to act with integrity and in compliance with ethical standards. This is achieved by:
- Including the Council's ethical values in protocols for partnership working.
  - Seeking, through the [Sustainable Commissioning and Procurement Policy](#), to implement procedures that protect the long-term interests of the communities we represent, in line with the Public Services (Social Value) Act 2012. Instructing bidding organisations to bring the above policy to the attention of bidders.
  - Addressing ethical supply chain issues through [Sustainable Buying Standards](#), which are mandatory in all relevant council contracts.
  - Vetting potential contractors for convictions and violations for specified offences, as required by the Public Contracts Regulations 2015.

### **A3 Respecting the rule of law**

- 4.14. The Council endeavours to ensure that members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations. It also seeks to create the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements. This is achieved by:
- Through the [Constitution](#),
    - Committing to exercise all powers and duties in accordance with the law;
    - Setting out [Member Role Descriptions \(Part 9\)](#) and the [functions and responsibilities of key officers \(Part 2, Article 11\)](#), recognising those posts that are statutory;
    - Committing, through Article 11, to provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed;
    - Designating the Chief Executive as Head of Paid Service in accordance with Section 4 of the Local Government and Housing Act 1989.
    - Designating the Corporate Director, Resources as the [Section 151 Chief Financial Officer \(CFO\)](#) to fulfil the governance requirements of the CIPFA \* [Statement on the Role of the CFO in Local Government \(2010\)](#).

\* Chartered Institute of Public Finance & Accountancy

- Maintaining, under the supervision of the Chief Executive, a chief officer structure that is equipped to respond to modern challenges faced by the Council.
  - Making the CFO a member of Corporate Management Team, reporting directly to the Chief Executive and reviewing all reports to Cabinet which have financial implications.
  - Maintaining arrangements for members and officers to work together on the work programme of the Cabinet, which is managed through a system of Cabinet pre-agenda meetings, supported by regular briefing sessions held by Corporate Directors with Cabinet Portfolio Members and their support Members.
  - Providing specialist legal advice through Legal & Democratic Services.
  - Providing training, awareness and advice, through central support services, to meet general legal requirements in areas such as data protection, freedom of information, equalities and health and safety.
  - Making staff aware of relevant statutory provisions through formal training and written guidance, and implementing appropriate service-specific arrangements to ensure compliance.
- 4.15. The Council strives to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders by,
- Designating, in accordance with Section 5 Local Government and Housing Act 1989, the Head of Legal and Democratic Services as Monitoring Officer, who attends Corporate Management Team and advises on legal issues.
  - Authorising the Head of Legal and Democratic Services, under the [Constitution](#), Article 13, to institute, defend or participate in any legal proceedings to give effect to decisions of the Council or in any case where she considers that such action is necessary to protect the Council's interests.
- 4.16. The Council endeavours to deal effectively with corruption, misuse of power and breaches of legal and regulatory provisions by,
- Maintaining a dedicated Corporate Fraud Team to support its counter fraud arrangements.
  - Vigorously dealing with breaches of legal or regulatory provisions through disciplinary or criminal proceedings, as appropriate.
  - Enabling employees, contractors and suppliers, through the [Confidential Reporting Code \(Whistleblowing policy\)](#), to raise concerns about potential breaches of conduct in decision-making.
  - Thoroughly investigating and, if confirmed, vigorously pursuing any allegations of corruption and misuse of power, seeking the strongest possible sanctions against those who seek to defraud the Council, regardless of whether they are staff, members, contractors, external individuals and organisations.

**Principle B: Ensuring openness and comprehensive stakeholder engagement.**

Why this is important

- 4.17. Local government is run for the public good. The Council should therefore ensure openness in its activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of

stakeholders, such as individual citizens and service users, as well as institutional stakeholders. Institutional stakeholders are the other organisations that local government needs to work with to improve services and outcomes (such as commercial partners and suppliers as well as other public or third sector organisations) or organisations to which they are accountable.

#### How we meet this principle

4.18. Key governance documents supporting Principle B include:

[Constitution](#) – Audit Committee Role (Part 3); Decision Making (Article 12); How the Council operates (Part 2); Joint Arrangements and Partnerships (Article 10); Officer Scheme of Delegations (Part 3).

[Other](#) – Area Action Partnerships Terms of Reference; [Consultation & Engagement Strategy](#); [Consultations web page](#); [County Durham Compact](#); County Durham Partnership Community Engagement and Empowerment Framework; [Joint Health and Wellbeing Strategy 2016 - 2019](#); [notice of key decisions webpage](#); [officer decisions webpage](#) [Partnership Governance Framework](#); Partnership Performance Management Framework; Partnerships Register; [petitions webpage](#); [Risk Management Strategy and Policy](#); [Sustainable Community Strategy \(SCS\) 2014 – 2030](#); [Transparency and Accountability webpage](#).

### **B1 Openness**

4.19. The Council maintains an open culture and encourages wide public involvement in determining the most appropriate and effective interventions and courses of action. This is achieved by:

- Encouraging a climate of openness, headed by the Council Leader who holds regular Cabinet meetings at various locations in the County.
- Maintaining a website that is designed to make it easy for users to find information and includes a [Transparency and Accountability webpage](#) to comply with the [Local Government Transparency Code 2015](#).
- Publishing information on the website about services provided, land and assets owned by the Council, organisational structures and salaries, counter fraud, how money is spent and how services are bought.
- Deploying a range of research, consultation and engagement techniques so that the selected approach is fit for each given purpose.
- Taking a planned approach to maximise participation and ensure that the public's views are incorporated into decision making processes.

4.20. The Council seeks to make decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes, with a presumption for openness and, where relevant, giving reasons for keeping any decision confidential. Clear reasoning and evidence will be provided for decisions, being explicit about the criteria, rationale and considerations used, to ensure that the impact and consequences of those decisions are clear. These aims are achieved by,

- Setting out in the [Constitution](#) how the Council operates, how decisions are made and the procedures followed to ensure that these are effective, transparent and accountable to local people.
- Publishing on the website: advance [notice of key decisions](#) covering a rolling period of four months; decisions made by the Executive, within

two days of the respective meeting; and all major decisions that are in the public domain.

- Publishing all [officer decisions](#) made under the Officer Scheme of Delegations ([Constitution](#), Part 3).
- Supporting the Council's decision-making processes with:
  - A [Risk Management Strategy and Policy](#);
  - An [Audit Committee](#) responsible for monitoring and reviewing processes for risk management, internal control, governance and associated assurance; and
  - Arrangements to ensure that they comply with legal requirements and that all reports requiring a decision include the legal implications, confirm that legal advice has been obtained on proposals, and the source of that legal advice.
- Including in the Council's stated principles for decision making the giving of reasons for decisions and supporting them with references to legal or other professional advice and stating the potential implications in terms of finance, staffing, risk, human rights and several other factors.

## **B2 Engaging comprehensively with institutional stakeholders**

4.21. The Council seeks to effectively engage with institutional stakeholders and, where necessary, develop formal and informal partnerships to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear. The aims of this approach are to ensure that outcomes are achieved successfully and sustainably, with efficient use of resources. This is achieved by:

- Heading the [County Durham Partnership](#) (CDP), chaired by the Council Leader, which is the lead partnership for most strategic partnerships in the County.
- Managing relationships with partners through the [Partnership Governance Framework](#) (PGF), which seeks to ensure that:
  - members are clear about their roles and responsibilities;
  - there is clarity about the legal status of the partnership;
  - representatives both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions.
- Providing support and oversight, through a [Chief Officer Group](#), to chief officers across all statutory agencies of the safeguarding arrangements for children and adults services. The Group has an independent Chair and includes officers from the Council, NHS and the Police.
- Maintaining, in accordance with the [Partnership Performance Management Framework](#), a [register of active partnerships](#) and regularly reviewing them to assess and evaluate their governance and effectiveness.
- Allowing, through the [Constitution](#), joint arrangements to be established for specific purposes such as the provision and maintenance of crematoria, and setting out details of existing joint arrangements, including purpose, parties and effective dates.
- Shaping and supporting a common vision and approach for community engagement through the [County Durham Partnership Community Engagement and Empowerment Framework](#).

- Providing, through the [County Durham Compact](#), a framework for partnership and engagement with the voluntary and community sector.
- Including in the [CDP](#) a range of key public, private and voluntary sector organisations that work together to improve the quality of life for the people within County Durham.
- Structuring the [CDP](#) into five thematic partnerships based on the economy, children and families, health and wellbeing, community safety and the environment.
- Managing, within service groupings, informal, collaborative working arrangements with external organisations.
- Ensuring, through the [Partnership Governance Framework](#) that partnerships are based on:
  - trust
  - a shared commitment to change
  - a culture that promotes and accepts challenge among partners

and that the added value of partnership working is explicit.

### **B3 Engaging with individual citizens and service users effectively**

4.22. Through the [Consultation & Engagement Strategy](#), the Council seeks to establish a clear policy on the type of issues on which it will consult with or involve communities, individual citizens, service users and other stakeholders. The Council aims to ensure that the views of local people are used to set priorities, influence policy and decision making, and that service provision is contributing towards the achievement of intended outcomes.

4.23. The Council endeavours to ensure that communication methods are effective, and that members and officers are clear about their roles with regard to community engagement, in order to collect and evaluate the views, experiences and future needs of people and organisations of different backgrounds. This approach is combined with effective feedback mechanisms to demonstrate how views have been taken into account and balancing feedback from more active and other stakeholder groups to ensure inclusivity. This is achieved by:

- Assigning the Corporate Communications and Policy Team to lead on communications with external audiences through local, regional and national media with direction and guidance provided through communications protocols.
- Welcoming [petitions](#) and recognising that they are an effective way for people to voice their concerns.
- Engaging with the community, through 14 multi-agency Area Action Partnerships, to identify and address local priorities and utilise locality budgets to drive improvements to the local area.
- Using the consultation process to involve a range of stakeholders in refreshing the [Joint Health and Wellbeing Strategy 2016 - 2019](#).
- Publishing results of [consultation and engagement campaigns](#) on the website with explanations of what has been changed as a result of the views and comments collected.
- Selecting appropriate consultation techniques and engaging through area action partnerships and the voluntary sector to involve all sections of the community effectively.
- Ensuring that selected techniques recognise that different sections of the community have different priorities and establish processes for dealing with these competing demands.

- Seeking, with guidance from the [Sustainable Community Strategy \(SCS\) 2014 – 2030](#), the [Joint Health and Wellbeing Strategy 2016 - 2019](#), supported by the decision making process, to manage resources in ways that do not compromise the quality of life of future generations or those in the wider world.

## **Principle C: Defining outcomes in terms of sustainable economic, social, and environmental benefits**

### Why this is important

4.24. The long-term nature and impact of many of the Council's responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the Council's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

### How we meet this principle

4.25. Key governance documents supporting Principle C include:

[Constitution](#) – Decision Making (Article 12); Protocol on Member/Officer Relations (Part 5).

[Other](#) – Asset Management Plan; [Children, Young People and Families Plan 2016 - 2019](#); [Consultation & Engagement Strategy](#); Corporate Capital Protocol; [Council Plan 2016 - 2019 and service plans](#); [County Durham Plan](#); [Customer First Strategy and Customer Services Charter](#); [Equality Policy](#); [Joint Health and Wellbeing Strategy 2016 - 2019](#); [Medium Term Financial Plan 2018 - 2021 \(MTFP\)](#); [Performance Management Framework](#); [Police, Crime and Victim's Plan 2016 - 2021](#); [Regeneration Statement 2012 – 2022](#); [Risk Management Strategy and Policy](#); [Safe Durham Partnership Plan 2016 - 2019](#); [Sustainable Community Strategy \(SCS\) 2014 – 2030](#).

## **C1 Defining outcomes**

4.26. The [Sustainable Community Strategy \(SCS\) 2014 – 2030](#), which has been produced by the Council in conjunction with its partners on the [County Durham Partnership](#), and demonstrates its shared long-term vision for the future of County Durham. This vision for County Durham, namely 'Altogether Better Durham' outlines five priority themes, which represent the major issues identified by residents:

- Altogether wealthier – focusing on creating a vibrant economy and putting regeneration and economic development at the heart of all our plans. This theme is supported by the [Regeneration Statement 2012 – 2022](#) and the [County Durham Plan](#);
- Altogether better for children and young people – ensuring children and young people are kept safe from harm and that they can 'believe, achieve and succeed'. This theme is supported by the [Children, Young People and Families Plan 2016 - 2019](#);

- Altogether healthier – improving health and wellbeing, supported by the [Joint Health and Wellbeing Strategy 2016 - 2019](#);
- Altogether greener – ensuring an attractive and ‘liveable’ local environment and contributing to tackling global environmental challenges. This theme is supported by the [County Durham Plan](#);
- Altogether safer – creating a safer and cohesive county, supported by the [Safe Durham Partnership Plan 2016 - 2019](#) and the [Police, Crime and Victim's Plan 2016 - 2021](#).

4.27. In addition to the above arrangements, the Council defines outcomes by,

- Setting out, in the [Council Plan 2016 - 2019](#) and individual [service plans](#), supporting policies, plans and strategies, set out the key actions to be taken in support of delivering the longer term goals in the [SCS](#) and the Council's own improvement agenda.
- Developing, through the [Medium Term Financial Plan 2018 - 2021 \(MTFP\)](#), a financial framework in line with the [Council Plan](#) that enables members and officers to ensure policy initiatives can be planned for delivery within available resources and can be aligned to priority outcomes.
- Subjecting the delivery of the [Council Plan](#) and the [Medium Term Financial Plan](#) to detailed and frequent monitoring undertaken by Corporate Management Team and Cabinet.
- Supporting decision making and project management processes with the [Performance Management Framework](#) and the [Risk Management Strategy and Policy](#).
- Seeking, through the [Customer First Strategy and Customer Services Charter](#), which link to the wider priorities of the Council, to broaden accessibility to information and services in an economically efficient way, taking account of increased demand for services, changes to the welfare system and reducing budgets.

## **C2 Sustainable economic, social and environmental benefits**

4.28. The Council considers and balances the combined economic, social and environmental impact of policies and plans when taking decisions about service provision, taking a longer-term view with due regard to the wider public interest and potential risks. The Council is committed to acting transparently where there are potential conflicts between the Council's intended outcomes and short-term factors such as the political cycle or financial constraints. This is achieved by:

- Pursuing economic and environmental benefits through the *Altogether Wealthier* and *Altogether Greener* themes respectively, and pursuing social benefits through the other themes.
- Using decision making processes, which include management of performance and risks, to support the achievement of high level objectives in furtherance of economic, social and environmental benefits.
- Pursuing economic, social and environmental benefits in the development the [Medium Term Financial Plan](#).
- Preparing the capital budget reflecting the priorities detailed in the [Council Plan](#), using criteria laid down in the Corporate Capital Protocol, the [Asset Management Plan](#).

- Advising Cabinet on the Capital Programme through the Member Officer Working Group for Capital, which is responsible for scrutinising capital budget revisions and monitoring progress on schemes.
- Following the principles of decision making set out in the [Constitution](#), Article 12.
- Guiding members and employees in their relations with one another and seeking to enhance and maintain integrity by demanding very high standards of personal conduct through the [Protocol on Member/Officer Relations](#) ([Constitution](#), Part 5).
- Determining, through the [Consultation & Engagement Strategy](#), the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, in order to ensure appropriate trade-offs.

4.29. The Council ensures fair access to services by:

- Using the [Equality Policy](#) to reinforce the Council's public sector equality duty and prevent negative outcomes from Council decisions for people with protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sexual orientation).
- Supporting the [Equality Policy](#) with an impact assessment process, which ensures that the impact on equality is considered in the Council's decision making.
- Promoting equality and diversity across all of the Council's work through the Overview and Scrutiny Management Board and Scrutiny Committees.

## **Principle D: Determining the interventions necessary to optimise the achievement of the intended outcomes**

### Why this is important

4.30. Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions. Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed continually to ensure that achievement of outcomes is optimised.

### How we meet this principle

4.31. Key governance documents supporting Principle D include:

[Constitution](#) – Budget and Policy Framework Procedure Rules (Part 4); Decision Making (Article 12); Financial Procedure Rules (Part 4); Overview and Scrutiny Arrangements (Article 6).

[Other](#) – Capital Programme; [Council Plan and service plans](#); [Medium Term Financial Plan 2018 - 2021 \(MTFP\)](#); [Partnership Governance Framework](#); [Performance Management Framework](#); [Overview and Scrutiny Annual Report](#); [Risk Management Strategy and Policy](#); [Sustainable Community](#)

## **D1 Determining interventions**

- 4.32. The Council ensures that decision makers receive objective and rigorous analysis of a variety of options, indicating how intended outcomes would be achieved and highlighting associated risks, in order to secure best value regardless of the service delivery method. This is combined with considering feedback from citizens and service users about proposed service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts. This is achieved by:
- Embedding the pursuit of value for money into all of the Council's decision making processes through the 'effective use of resources' objective under the Altogether Better Council theme.
  - Frequently undertaking reviews to provide assurance that value for money services are being provided.
  - Using residents' and other stakeholders' views with high level analysis of the equalities impact to shape proposals in the [Medium Term Financial Plan](#).

## **D2 Planning interventions**

- 4.33. The Council's arrangements for planning the interventions for the achievement of its intended outcomes are,
- Establishing and implementing, through the [Council Plan](#) and [Medium Term Financial Plan](#) monitoring, robust planning and control cycles that cover strategic and operational plans, priorities and targets.
  - Engaging with internal and external stakeholders, through participative budgeting and other consultation techniques, in determining how services and other courses of action should be planned and delivered.
  - Considering and monitoring risks facing each partner when working collaboratively, including shared risks, through the [Partnership Governance Framework](#) and the [Risk Management Strategy and Policy](#).
  - Ensuring, through the [Council Plan](#) and business continuity planning, that arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances.
  - Determining, during the development of the [Sustainable Community Strategy](#) and the [Council Plan](#) how the performance of services and projects will be measured, and linking these arrangements to a locally led [performance management framework](#), which ensures that attention is focused on Council priorities.
  - Using key target indicators in areas where improvements can be measured regularly and can be actively influenced by the Council and its partners.
  - Comparing performance with that of other Councils using a recognised, online tool.
  - Undertaking, through the Overview and Scrutiny Committees, in-depth, evidence-based reviews of services, the findings of which are outlined in the [Overview and Scrutiny Annual Report](#).

- Preparing budgets in accordance with the [Sustainable Community Strategy](#), the [Council Plan](#) and the [Medium Term Financial Plan](#).
- Informing medium and long term resource planning by determining, through Cabinet in consultation with the Chief Financial Officer, the general budget strategy and issuing annual guidelines to Members and Chief Officers on preparing:-
  - A detailed revenue budget for the following year and the [MTFP](#);
  - The Capital Programme;
  - The timetable for developing and agreeing the Council's revenue and capital budget.

### **D3 Optimising achievement of intended outcomes**

- 4.34. The Council optimises the achievement of its outcomes by,
- Developing, through the [Medium Term Financial Plan](#), a financial framework in line with the [Council Plan](#) to deliver policy initiatives within available resources and aligned to priority outcomes.
  - Developing the budgeting process in line with Budget and Policy Framework Procedure Rules, to ensure that it is all-inclusive, and takes into account the full cost of operations over the medium and longer term.
  - Ensuring, through the development of the [MTFP](#) and [Council Plan](#) that partners and stakeholders have a clear view of the Council's priorities, targets and financial plans over the forthcoming period of four years.
  - Seeking, through the [Sustainable Commissioning and Procurement Policy](#), to implement procedures that protect the long-term interests of the communities we represent, in line with the Public Services (Social Value) Act 2012.
  - Instructing bidding organisations bring this policy to the attention of bidders.

### **Principle E: Developing the Council's capacity, including the capability of its leadership and the individuals within it**

#### Why this is important

4.35. The Council needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mindset, to operate efficiently and effectively and achieve its intended outcomes within the specified periods. It must ensure that it has both the capacity to fulfill its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which the Council operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of the leadership and of individual staff members. Leadership in the Council is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.

#### How we meet this principle

4.36. Key governance documents supporting Principle E include:

[Constitution](#) – Decision Making (Article 12); The Executive (Article 7); Financial Procedure Rules (Part 7); Officer Scheme of Delegations (Part 3);

Overview and Scrutiny Arrangements (Article 6); Protocol for Chairman and Vice-Chairman (Part 5); Protocol for member of the public wishing to ask a question at Council.

Other – Area Action Partnerships Terms of Reference; Attendance Management Policy; [Corporate Asset Management Plan](#); [County Durham Compact](#); Durham Manager Programme; Health, Safety and Wellbeing Strategy; Members Learning and Development Strategy; Office Accommodation Strategy; Organisational Development Strategy; Property Strategy; Service Asset Management Plans.

## **E1 Developing the Council's capacity**

4.37. The Council ensures the continuing effectiveness of its operations, performance and use of assets by,

- Regularly monitoring the condition, suitability, sufficiency and accessibility of property under the Office Accommodation Strategy and the [Corporate Asset Management Plan](#) to ensure that best use is made of assets in terms of service benefit, financial benefit and value for money.
- Setting out in the Property Strategy the main principles to ensure that opportunities to share the use of property are identified, and to make sure that assets are fit for purpose, cost effective and used to support regeneration and economic development.
- Consulting local communities and partners, where appropriate, about alternative methods of continuing to provide front line services.
- Maintaining Service Asset Management Plans, which include any heritage assets of the holding service.
- Advising Cabinet on the Capital Programme through the Member Officer Working Group for Capital, which is responsible for scrutinising capital budget revisions and monitoring progress on schemes.

4.38. The Council strives to improve the use of its resources to ensure that they are allocated in a way that realises outcomes effectively and efficiently. This is achieved by:

- Using benchmarking data from statutory returns to inform programmes of VFM reviews and savings options in various service areas in order to ensure that defined outcomes are achieved effectively and efficiently.
- Using data from commercial benchmarking clubs, to facilitate meaningful comparisons with other Councils.
- Providing, through the [County Durham Compact](#), a framework for partnership and engagement with the voluntary and community sector where added value can be achieved.
- Including in the [County Durham Partnership](#) a range of key public, private and voluntary sector organisations that work together to improve the quality of life for the people within County Durham.
- Managing, within service groupings, informal, collaborative working arrangements with external organisations.

4.39. The Council maintains an effective workforce plan, through the Organisational Development Strategy, to enhance the strategic allocation of resources.

## **E2 Developing the capability of the Council's leadership and other individuals**

- 4.40. The Council ensures that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained. This is achieved by:
- Setting out in the [Constitution](#) how the Executive is made up and how appointments to this committee are made.
  - Electing the Leader under the terms of the [Constitution](#), and making appointments to a number of committees with various regulatory and scrutiny responsibilities.
  - Setting out in the [Constitution](#) a protocol for the Chairman and Vice-Chairman of the Council that includes an expectation of political neutrality and acting as the conscience of the Council.
  - Nominating, through the Leader, nine other councillors, including a Deputy Leader, with specific responsibilities to form the Cabinet.
  - Allocating, through the Leader under the terms of the [Constitution](#), roles and responsibilities to individual members and the Executive Committee as a whole.
  - Supporting the above arrangements with a number of formal member and officer working groups.
- 4.41. The Council makes a clear distinction between the types of decisions that are delegated and those reserved for the collective decision making of the Council in the [Constitution](#), which is published on the website.
- 4.42. The Council clearly defines in the [Constitution](#) the respective roles of the leader and the chief executive, whereby the chief executive leads in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other's authority.
- 4.43. The Council continually seeks to develop the capabilities of members and senior management to achieve effective leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks. This is achieved by:
- Ensuring, through the Members Learning and Development Strategy and the Organisational Development Strategy, that members and staff are provided with induction training tailored to their role and individual training and development plans.
  - Ensuring, through respective appraisal schemes, that members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis
  - Ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external
  - Promoting excellence in learning through membership of the North East Public Service Academy.
  - Using initiatives such as the Durham Manager Programme to support managers in meeting the changing needs of the Council, and e-learning as an efficient means of training employees.
- 4.44. The Council encourages public participation by,

- Administering 14 multi-agency [Area Action Partnerships \(AAPs\)](#) that enable local people and organisations to comment on how services are provided.
- Inviting members of the public to attend Council meetings.
- Including a protocol for member of the public wishing to ask a question at Council.

4.45. The Council ensures that the leadership's own effectiveness is considered and that leaders are open to constructive feedback from peer review and inspections by,

- Monitoring the decisions of the Executive through the Overview and Scrutiny Management Board, which has the power to:-
  - "call-in" decisions which have been made but not yet implemented; and
  - recommend that their decisions are reconsidered.
- Consulting the Overview and Scrutiny Management Board on forthcoming decisions or the development of policy.
- Assessing the skills required by members and officers through personal development plans, and making a commitment to develop those skills to enable roles to be carried out effectively.
- Developing skills on a continuing basis, through implementation of the Members Learning and Development Strategy, to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed.

4.46. The Council strives to maintain effective arrangements to meet employees' needs in terms of training, development, health and wellbeing by,

- Assessing the skills required by officers through personal development plans, and making a commitment to develop those skills to enable roles to be carried out effectively.
- Managing the performance and development of employees through an annual appraisal process.
- Supporting employees through the Health, Safety and Wellbeing Strategy. Focusing on rehabilitation, through the Attendance Management Policy and a procedure for managing short-term absences, to support attendance at work using an early intervention procedure with assistance from Occupational Health.
- Supporting employees through change processes with confidential counselling services through the Employee Assistance Programme.

## **Principle F: Managing risks and performance through robust internal control and strong public financial management**

### Why this is important

4.47. The Council needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities.

- 4.48. A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery, and accountability.
- 4.49. It is also essential that a culture and structure for scrutiny is in place as a key part of accountable decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.

#### How we meet this principle

- 4.50. Key governance documents supporting Principle F include:

[Constitution](#) – Councillor Call for Action Procedure (Part 4 Overview & Scrutiny Procedure Rules); Decision Making (Article 12); Financial Procedure Rules (Part 4); Overview and Scrutiny Arrangements (Article 6).

Other – [Budget Report](#); [Council Plan](#); [Data Protection Policy](#); Data Quality Policy; Delivering Good Governance in Local Government Framework; [Internal Audit Plan, Strategy and Charter](#); [Medium Term Financial Plan](#); [Performance Management Framework](#); [performance reports](#); [Risk Management Strategy and Policy](#); [service plans](#).

Professional Codes – CIPFA \* Code on a Prudential Framework for Local Authority Capital Finance; CIPFA \* Statement on the Role of Head of Internal Audit; [Code of Practice on Managing the Risk of Fraud and Corruption, 2014](#); [Public Sector Internal Audit Standards](#).

\* Chartered Institute of Public Finance & Accountancy

### **F1 Managing risk**

- 4.51. The Council recognises that risk management is an integral part of all activities and decision making as set out in the [Risk Management Policy and Strategy](#), which defines key roles and responsibilities and is reviewed annually, to maintain robust, integrated and effective risk management arrangements.

### **F2 Managing performance**

- 4.52. The Council ensures that service delivery is effectively monitored by,
- Setting out in [service plans](#) a detailed schedule of actions, which are assigned to responsible officers and incorporated into, and monitored, through the corporate and service performance management arrangements.
  - Monitoring performance and ensuring that effective arrangements are put in place to deal with any failures in service delivery through the Council's Cabinet.
  - Providing assurance through quarterly [performance reports](#) to Corporate Management Team, Cabinet and all scrutiny committees by way of senior management performance clinics during the year.
  - Undertaking key in-depth evidence based reviews through the Overview and Scrutiny Committees.
  - Overseeing quality assurance developments in Children's Services and maintaining strategic oversight of children's services through a Quality Improvement Board.

- Operating a locally led [performance management framework](#) that links to the [Sustainable Community Strategy](#) [Sustainable Community Strategy](#) and the [Council Plan](#) and ensures that attention is focused on Council priorities.
- Undertaking benchmarking exercises by comparing performance with that of other Councils using a recognised, online tool.
- Seeking assurance on the quality of services from external, independent sources.
- Providing update reports, on [service delivery plans](#) and on progress towards outcome achievement, to Corporate Management Team, Cabinet and Full Council.

4.53. The Council endeavours to make the right decisions for the benefit of its stakeholders by,

- Supporting the Council's decision-making processes with a [Risk Management Strategy and Policy](#).
- Implementing arrangements to ensure that decisions are based on relevant, clear, objective analysis and advice; comply with legal requirements; and take account of the Council's financial, social and environmental position and outlook.
- Including in the Council's stated principles for decision making the giving of reasons for decisions and supporting them with references to legal or other professional advice and stating the potential implications in terms of finance, staffing, risk, human rights and several other factors.
- Maintaining an overview and scrutiny function through which members robustly scrutinise, challenge and debate proposed policies and objectives to make decision-making processes transparent, accountable and inclusive.
- Enabling members to bring matters of local concern to the attention of the Council through the scrutiny process using Councillor Call for Action procedure.

4.54. The Council seeks to ensure consistency between specification stages and post implementation reporting by,

- Developing profiled budgets in the main accounting system in line with the [Medium Term Financial Plan](#) to ensure consistency between specification stages and post implementation reporting.
- Issuing Budgetary Control Statements to senior management, Cabinet and Overview and Scrutiny Committees, comparing actual with planned expenditure and showing forecasted overspends with reasons for variance.
- Maintaining and applying Financial Procedure Rules in the [Constitution](#).

### **F3 Robust internal control**

4.55. The Council seeks to align the risk management strategy and policies on internal control with achieving objectives, as well as evaluating and monitoring risk management and internal control on a regular basis. This is achieved by:

- Developing, maintaining and delivering an [Internal Audit Plan, Strategy and Charter](#).

- Including in strategic risk management reports and internal audit reports the potential implications for achieving the Council's objectives.
- Reporting annually to [Audit Committee](#), through the Chief Internal Auditor and Corporate Fraud Manager, on the adequacy and effectiveness of the Council's internal control environment.
- Undertaking a self-assessment against both the principles of the CIPFA Statement on the Role of Head of Internal Audit and the [Public Sector Internal Audit Standards](#) (PSIAS), approved by [Audit Committee](#).
- Undertaking internal annual reviews of the effectiveness of internal audit and an external assessment once every five years as required by the [PSIAS](#).
- Undertaking a review of the effectiveness of the Council's corporate governance arrangements in line with the Delivering Good Governance in Local Government Framework.
- Maintaining an [Audit Committee](#), which is independent of the Executive and accountable to the Full Council, to
  - provide a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment;
  - advise both the Council and the Cabinet on audit and governance issues in order to provide independent and effective assurance about the adequacy of financial management and reporting, and the management of other processes required to achieve the organisation's corporate and service objectives;
  - make recommendations, which are listened to and acted upon.

4.56. The Council ensures that effective counter fraud and anti-corruption arrangements are in place by maintaining a dedicated [Corporate Fraud Team](#) to support its counter fraud arrangements through the [Counter Fraud and Corruption Strategy](#), and working towards compliance with the [Code of Practice on Managing the Risk of Fraud and Corruption, 2014](#).

#### **F4 Managing data**

4.57. The Council ensures that effective arrangements are in place for the safe collection, storage, use and sharing of data, including decision making and processes to safeguard personal data. This is achieved by:

- Managing data in accordance with the [Data Protection Policy](#), Data Quality Policy, [Records Management Policy](#) and various data sharing protocols, with oversight by the Information Governance Group, to ensure that the arrangements in place are effective.
- Designating the Director of Transformation and Partnerships as the Senior Information Risk Officer to strengthen the Council's arrangements for maintaining good-quality information.
- Holding regular meetings with the Head of Planning and Performance, Head of ICT Services and the Council's designated Caldicott Guardian.
- Providing an online Data Protection Act training module for employees.
- Maintaining strong data protection arrangements regarding data sharing with other bodies through standardised subject access

requests, a privacy impact assessment process, data sharing agreements and a data sharing register.

- Undertaking a rolling programme of audits to check the quality and accuracy of data used in decision making and performance monitoring.

## **F5 Strong public financial management**

4.58. The Council aims to ensure that financial management supports both long term achievement of outcomes and short-term financial and operational performance. This is combined with seeking to ensure that well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls. Investing resources in line with long-term outcomes and priorities as described in the Managing Resources section of the [Council Plan](#), which contains a set of actions with proposed outcomes.

- Making the links with priorities and outcomes detailed in the Council's [Budget Report](#).
- Complying with CIPFA's Code on a Prudential Framework for Local Authority Capital Finance, subject to external audit review.
- Ensuring delivery of transformational change while maintaining service delivery through the [Medium Term Financial Plan](#) process.
- Gaining independent assurance of value for money from the External Auditor.

## **Principle G: Implementing good practices in transparency, reporting, and audit to deliver effective accountability**

### Why this is important

4.59. Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the Council plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.

### How we meet this principle

4.60. Key governance documents supporting Principle G include:

[Constitution](#) – Local Code of Corporate Governance (Part 5).

[Other](#) – [Annual Governance Statement](#); [Annual Statement of Accounts](#); [Local Government Transparency Code 2015](#); [Partnership Governance Framework](#); [Transparency and Accountability webpage](#).

## **G1 Implementing good practice in transparency**

4.61. Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate.

4.62. The Council aims to strike a proper balance between providing the right amount of information in a manner that is transparent and enhances public scrutiny while not being too onerous to provide and which readers can interpret. This is achieved by:

- Maintaining a website that is designed to make it easy for users to find information and includes a [Transparency and Accountability webpage](#) to comply with the [Local Government Transparency Code 2015](#).
- Publishing information on the website about services provided, land and assets owned by the Council, organisational structures and salaries, counter fraud, how money is spent and how services are bought.

## **G2 Implementing good practices in reporting**

4.63. The Council is committed to reporting to stakeholders at least annually on performance, value for money and stewardship of resources in a timely and understandable way, while ensuring members and senior management own the results reported. This is achieved by:

- Developing the [Annual Statement of Accounts](#) incorporating the [Annual Governance Statement](#).
- Publishing the [Annual Statement of Accounts](#) on the website, following approval by [Audit Committee](#), taking account of the views of the External Auditor, in line with the Accounts and Audit Regulations.
- Publishing the [Audit Completion Report](#) and Certification of Claims and Returns Annual Report, which provides assurance on the Council's system of financial management.
- Including with published information, the minutes of meetings approving reports to ensure that members and senior management own the results reported.

4.64. The Council seeks to ensure that robust arrangements are maintained for assessing and reporting on the effectiveness of its own governance arrangements, as well as those of related organisations. This is achieved by:

- Developing and maintaining a [Local Code of Corporate Governance](#), approved by [Audit Committee](#), setting out how the Council will meet the principles of good governance.
- Assessing the Council's corporate governance arrangements against its [Local Code of Corporate Governance](#), led by the Corporate Director, Resources in consultation with the Improvement and Planning Group.
- Ensuring, through the [Partnership Governance Framework](#), that the corporate governance arrangements of partners and jointly managed or shared service organisations are consistent with the Council's [Local Code of Corporate Governance](#).
- Reporting the outcome of the corporate governance review, including planned actions for improvement, in the [Annual Governance Statement](#), approved by the Corporate Management Team and the [Audit Committee](#), and signed by the Leader of the Council and Chief Executive.

4.65. The Council seeks to ensure that it produces financial statements on a consistent and timely basis, in accordance with Financial Reporting Standards, in a way that enables comparison with other, similar organisations.

## **G3 Assurance and effective accountability**

4.66. The Council seeks to provide continuous assurance with regard to its arrangements for governance and internal control by,

- Operating an Internal Audit service, with direct access to members, as a key part of the Council's corporate governance arrangements with the primary aim of supporting the Council to achieve its objectives by helping services to identify, assess, and manage risks, which may prevent or hinder objectives being achieved effectively.
- Ensuring that agreed recommendations made by Internal Audit and External Audit are acted upon by tracking and reporting their progress to [Audit Committee](#).
- Complying with CIPFA's Statement on the Role of the Head of Internal Audit (2010).
- Applying the [Public Sector Internal Audit Standards](#) within all of procedures of the Internal Audit Service.

4.67. The Council welcomes peer challenge, reviews and inspections from regulatory bodies and seeks to ensure that recommendations are implemented.

4.68. The Council seeks to gain assurance on risks associated with delivering services through third parties by,

- Managing relationships with partners through the [Partnership Governance Framework](#), which seeks to ensure that:
  - members are clear about their roles and responsibilities;
  - there is clarity about the legal status of the partnership;
  - representatives both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions.

## **5. Monitoring and Review**

5.1. The [Audit Committee](#) and the [Standards Committee](#) are responsible for monitoring and reviewing the various aspects of the Council's corporate governance arrangements.

5.2. The [Audit Committee](#) is responsible for the Council's arrangements relating to:

- Monitoring and reviewing the risk, control and governance processes, and associated assurance processes to ensure internal control systems are effective and that policies and practices are in compliance with statutory and other regulations and guidance;
- Approving the Council's Accounts prior to approval by the County Council;
- Reviewing a draft of this Code of Corporate Governance and recommending any amendments required before it is considered for approval by the Constitution Working Group and Full Council;
- External audit and internal audit;
- Risk Management;
- Making recommendations concerning relevant governance aspects of the [Constitution](#);
- Reviewing the effectiveness of Internal Audit.

5.3. Each year the Council is required to publish a Governance Statement. This process is managed by the Resources Management Team and overseen by the [Audit Committee](#) who is responsible for approving it. The Annual

Governance Statement provides an overall assessment of the Council's corporate governance arrangements and an appraisal of the key controls in place to manage the Council's principal governance risks, together with proposed improvements that will be made. This governance review process helps inform any amendments required to this Code of Corporate Governance.

- 5.4. The Annual Governance Statement will be published as part of the Council's Annual Statement of Accounts and will be reviewed by our External Auditors as part of their annual audit process.
- 5.5. The [Standards Committee](#) is responsible for promoting high ethical standards across the Council, overview of the Member and Officer codes and other relevant protocols.
- 5.6. These two Committees will ensure that the Council's governance arrangements are kept under continual review through;
  - Reports prepared by officers with responsibility for aspects of this Code;
  - The work of Internal Audit;
  - External Audit opinion;
  - Other review agencies and Inspectorates;
  - Opinion from the Council's Statutory Officers.
- 5.7. The Council also has an Overview and Scrutiny Management Board and six Overview and Scrutiny Committees who support the work of the Executive and the Council as a whole. They allow a greater involvement in Council business by involving non-councillors from the wider public sector, and voluntary and community groups to help them in their work, and also work with Partners, including the [County Durham Partnership](#). They may also be consulted by the Executive or the Council on forthcoming decisions or the development of policy. The terms of reference of the Overview and Scrutiny Management Board and its Committees are described in the [Constitution](#).
- 5.8. Within their terms of reference, the Overview and Scrutiny Management Board and Overview and Scrutiny Committees will:
  - review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
  - make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions; consider any matter affecting the area or its inhabitants;
  - exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive in accordance with the Overview and Scrutiny Procedure Rules;
  - work to ensure that communities are engaged in the scrutiny process; and consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
  - promote equality and diversity across all of its work and the work of the County Council.